MINUTES ENOCH CITY COUNCIL October 20, 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-absent 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.-absent Robert Dotson, City Mgr. Jackson Ames, PD Chief Lindsay Hildebrand-Dep. Rec.

PUBLIC PRESENT: Mike Platt on Zoom, Robert Bromley Richard Jensen and Lisa and Kourtney Baker

- 1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 6:00 pm.
- a. Pledge of Allegiance-Led by City Manager Dotson
- **b. Invocation-**Audience invited to participate-Given by Robert Bromley???
- c. Inspirational thought-Given by Council Member Ross
- d. Approval of Agenda for October 20, 2021-Council Member David 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 6, 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-Mayor Chesnut invited public comments.

Lisa Baker of Half Mile Rd. asked to have the drainage projects the City is doing clarified to her. She wanted to know about the NRCS project and what it pays for vs. the bond and what that would do. Mayor Chesnut said the NRCS grant money right now is for the EIS that is required to build anything on federal land which is on the other side of the freeway where we intend to build the drainage basins. Doing the study will enable building drainage basins there. The study has to comply with federal regulations. The bond would be for the build out of actual infrastructure in Enoch itself. City Manager Dotson explained more. NRCS is structural things like the drainage basins. After that is done and we start the Emergency Watershed Protection funding to actually build it all. That was the 2014 project on Half Mile which we used those funds for. Bonding is for anything else we would do by way of smaller drainage projects or large ones for pipe or curb, gutter and sidewalk or whatever we engineer to solve problems. Enoch residents would pay for any bonding. Our current drainage study is out of date so we would have to do another study to update it and to get the engineering we need to solve the issues we saw in the flooding. We also need to address future building by changing our Code to cover issues we found and others that a study will find. Also the State puts regulations on us and we need to consider how we meld that with other potential impacts. City Manager Dotson said we will talk about it more in that agenda item and we will try to define acronyms.

Kourtney Baker talked about the flooding saying she was outside barefooted bailing out window wells on both Saturday and then again on Sunday. She was standing in high water and then the sewer came into their basement ruined everything downstairs. That is the City's fault she said, and not just the storm water. She said she saw a sign saying things are being built right where the water went to. She questioned why the City would let anyone build there at the end of Half Mile Road. There were several feet of water in that field she said, and you approved for it for something to be built there. Mayor Chesnut thanked her and said we will sort through it. He added these are good questions and there are good answers. Those who own that property will have to design to mitigate the flooding in their design and building plans. That needs to be addressed and will it impact future and current residents. We have been wrestling with this and he went on to compare 2012 and what happened this summer. As a community we need these conversations so kids aren't frustrated and he thanked her.

Richard Jensen asked about agenda items. City Manager Dotson explained that this is not a bond. It is to approve to be in the National Flood Insurance Plan only. That enables residents in affected areas to purchase flood insurance from large regular carriers if they so desire. We are talking about the updating the storm drain study which is out of date now. Studies are the basis for fee increases so you have to meet criteria by doing a new study. It does not move as quickly as we like, Mayor Chesnut said.

3. APPOINT MEMBERS TO THE WATER BOARD (COBY ZOBELL) AND ECONOMIC DEVELOPMENT COMMITTEE (ISAAC ASKEROTH) -Council Members David Harris and West Harris

Council Member David Harris said there was a resignation on the Water Board so we asked Coby Zobell, who is a Realtor and an Enoch resident, and he agreed to serve.

Mayor Chesnut said that Isaac Askeroth now works at Southwest Technical College and is in project development. He will be a great fit on the EDC and has agreed to serve.

Council Member David Harris made a motion to appoint Coby Zobell to the Water Board. The motion was seconded by Council Member Ross and all voted in favor.

Council Member David Harris made motion to appoint Isaac Askeroth to the Economic Development Committee. The motion was seconded Council Member Stoor and all voted in favor.

4. CERTIFICATION OF PETITION FOR ANNEXATION FOR ALAN AND VALERIE K. WADE PROPERTY, PARCEL #D-0162-0001-0018 AND SET A PUBLIC HEARING FOR NOVEMBER 3, 2021-City Recorder

The City Recorder explained this Annexation Petition meets all of the requirements and the noticing period will begin. Due to the protest period we will not set the public hearing tonight. It will come back on a future agenda to be set. No action needed.

Mayor Chesnut explained for the audience that annexations are undertaken at the request of individual property owners who are contiguous to Enoch City. It is in the form of a Petition to Annex that is brought to the City by an individual wishing to annex into Enoch. We do not solicit these things.

5. CONSIDER RESOLUTION NO. 2021-10-20-A A RESOLUTION GRANTING APPROVAL OF THE FINAL PLAT OF EAGLE VALLEY ESTATES, PHASE 2 - Platt & Platt Engineering

Mike Platt was on Zoom. He said this is Phase 2 with twenty (20) lots. Phase 1 is all done and now this phase is ready to move forward with the final plat. This is on the west side of SR-130 by Spanish Trails Subdivision.

Council Member David Harris made a motion to approve Resolution No. 2021-10-21-A. A resolution granting approval of the Final Plat of Eagle Valley Estates, Phase 2. The motion was seconded by Council Member Ross and a roll call vote was held as follows:

Council Member Ross – Yes Council Member Lee – Absent Council Member Stoor – Yes Council Member W. Harris – Yes Council Member D. Harris – Yes

6. CONSIDER ORDINANCE NO. 2021-10-20-A AN ORDINANCE AMENDING THE ENOCH CITY SUBDIVISION ORDINANCE, CHAPTER 12.2500.2503. MAJOR SUBDIVISION, STEP 13, SECTION B, REGARDING SURFACE WATER SHARES - City Manager Dotson

Mayor Chesnut asked City Manager Dotson to bring them up to speed. Council Member David Harris said the Water Board talked about this also. They made a recommendation to the City Council and then this was sent to the Planning Commission. City Manager Dotson said in the past we had a developer who had surface water shares and wanted to develop. We were interesting in getting surface shares for irrigation at that time. When we take the surface shares we have to the underground rights in reserve to service the homes being built and now that is not feasible. Also we do not have the means to store or deliver surface water for irrigation so we want to remove this option from our Code. Council Member Ross said the Planning Commission sent favorable recommendation to remove this from Code. Council Member David Harris said there is nothing we can do with surface shares now. City Manager Dotson explained further how irrigation companies work. He added now we need underground water because we have to provide underground water to homes. We have no way to use surface shares so we want that out of our Code. Mayor Chesnut said the Groundwater Management Plan changed it all too. This is to protect the City.

Council Member Ross made a motion to approve Ordinance No. 2021-10-20-A, an ordinance amending the Enoch City Ordinances, Chapter 12.2500.2503. major subdivision, Step 13, Section B, regarding surface water shares. The motion was seconded by Council Member David Harris and a roll call vote was held as follows:

Council Member Ross – Yes Council Member Lee – Absent Council Member Stoor – Yes Council Member W. Harris – Yes Council Member D. Harris – Yes

7. CONSIDER ORDINANCE NO. 2021-10-20-B AN ORDINANCE AMENDING THE ENOCH CITY GENERAL PLAN TO ADOPT THE AMENDED ANNEXATION BOUNDARY LINE MAP

Council Member Ross said the Planning Commission worked on this and took a lot into consideration. The southern boundary connects with Cedar City. City Manager Dotson contacted residents along that line and we got some responses. We jogged around one property that went farther to the south to keep the property owners land together. On the east side we went around BLM land so that was not in our annexation line. On the west the line has always been Bulldog Road because that is the line we are willing to provide services to. Hayden contributed concerning providing services that helped defined the lines. Cedar City is working on their annexation lines so there could be some overlap if they do it that way. City Manager Dotson explained further about providing services and that some on that south line already get services from Cedar. Enoch follows property lines. Reed Erickson also gave input on this and got us moving on it. He told why it was important because the County will have property owners talk to the City to see if they want to come here due to building standards of the City being so different from the County. Mayor Chesnut said cities plan their policies in a proactive way. Our previous boundary went up into the trees on BLM land. We also had the overlap with Cedar City on the

south so this cleans it up Bulldog Road is the west side boundary for Enoch and won't change. Mayor Chesnut said now we are growing north instead of south. There was more brief discussion of the lines and City Manager Dotson pointed out the boundaries on the map.

Council Member Ross made a motion to approve Ordinance No. 2021-10-20-B, an ordinance amending the Enoch City General Plan to adopt the amended Annexation Boundary Line Map. The motion was seconded by Council Member David Harris and a roll call vote was held as follows:

Council Member Ross – Yes Council Member Lee – Absent Council Member Stoor – Yes Council Member W. Harris – Yes Council Member D. Harris – Yes

8. CONSIDER ORDINANCE 2021-10-20-C FLOOD DAMAGE PREVENTION ORDINANCE - City Manager Dotson

Mayor Chesnut asked City Manager Dotson to explain what is being considered. City Manager Dotson said we passed a resolution to join this program in a previous meeting. The purpose is to allow property owners to obtain flood insurance from providers around the country. He recapped for the public saying this is a federal program that you can join if there are risks in the area. It means changes may have to be made to our Code in order to mitigate risk in building requirements and subdivision requirements. We will review our Code to see what needs to be brought into compliance in order to mitigate risks. This is the model ordinance provided by the State Flood Plain Managers that sets the requirements to do this. He went through the points of the program saying we have adapted this model ordinance to fit Enoch City. The body of it is standard. Since we have to have compliance with federal regulations we have to follow the rules. We will look at our ordinances and do some things in there as needed. Enoch is not in a flood zone now according to the FEMA map which is very old and has to be updated. There was outcry from Cedar City back in the day to not be in a flood zone and they protested the whole thing as did the Home Builders Association. The State Flood Plain Manager is going to remap the area and use different criteria to do a "flood prone" area map instead of declaring this a "flood zone". What is considered a flood prone area is the area of homes impacted in the recent storms. This will take time. We are in the "emergency phase" now. Due to that it allows residents to buy the flood insurance at a determined rate by the federal government that keep rates down. There was discussion of what is covered. It was noted as we look at changes to our Code there may be some areas where basements would not be allowed. Examples were given of lenders who do not allow basements in flood prone areas and won't finance them.

A question to Mayor Chesnut came from the public in the audience. The question was did this come up in the 2012 flood. City Manager Dotson said the City Council at that time was not interested in taking it to the point of joining this program. They were very conscious of government intervention in people's lives and didn't want to go there. It was the "nature of the beast" at that time on the City Council. Council Member Stoor asked if this puts us on the "radar" to be in a flood prone zone. City Manager Dotson said we are talking about risk and that is the thing in insurance. For example if we get a fire station closer to Enoch on the north end the response times go down and that in turn reduces risk so rates go down for homeowners.

It was noted this specifies a person to be the Flood Plain Administrator. At this time, that will be City Manager Dotson. We will put that in our code as we are working on the standards that have to be followed in a flood prone area. In subdivisions there will be requirements for flood prone areas. We will consider the issues of how things must be built so residents can get the flood insurance. All have "due process" and they can go to the Land Use Appeal Authority to get a variance. That is allowed in Code and the next step is a judge.

Council Member Stoor asked about existing homes. Can they get the insurance even though they may not be in compliance with the changes we will be making. The answer is yes

because we are in the "emergency" phase so they can buy the flood insurance even though they got flooded in these storms. After the "emergency" phase is over, their premiums may go up. The question now is what the City can do to reduce hazards. City Manager Dotson said we do that anyway in context of subdivisions but we make higher standards for flood prone areas. We may bond or charge higher fees to mitigate risks so that residents can keep insurance rates down. City Manager Dotson said the fixed rate is for the emergency period only while they gather data for maps. Things could change after the emergency period. It was noted the changes will be for new building only. Existing subdivisions will have flood mitigation in other ways such as installing curb and gutter and other measures. That may be covered by obtaining bonding. There was brief discussion of landscaping and other measures that can be taken by homeowners who were affected.

City Manager Dotson said on the last page of the ordinance there is a paragraph regarding penalties for non-compliance by developers or in some cases a homeowner who may change standards and fail to mitigate conditions to be in compliance. After much discussion it was decided by the City Council to specify only that this infraction will be dealt with as a Class C misdemeanor. City Manager Dotson said there are lots of avenues to ensure things are corrected and done right before we get to the Class C misdemeanor. We could call the bond and have a contractor come in to correct the problem as one example. Council Member West Harris confirmed this is the only way to get insurance affordably. That was confirmed. Insurance is available and big insurers won't do it unless this ordinance is in place. Council Member Stoor said building standards are higher and that will be more costly. City Manager Dotson said this is a political decision you have to make. Is it worth it to allow all to get insurance especially those who need it. The State Flood Plain Manager will create the map for the County. It will be a State map not a FEMA map and they will work with us. By mitigating risk in the flood prone areas we are making things better for the whole City. City Manager Dotson said it does potentially put a bullseve on us. Council Member David Harris said this will alter our building codes and subdivision ordinances however it makes sense to build in a certain way to minimize flood prone issues. It helps everyone. Our codes are compliant with State law, Mayor Chesnut said, but did not accommodate a flood issue. We are not out of compliance but we did not have this problem before last summer. It won't affect current owners but when builders want to build homes in these areas they will know what happened and be required to mitigate it. There may be a ripple effect when people try to sell homes that got flooded. If you build in a flood prone area the lender will require flood insurance and build to the higher code. All would want to do that anyway with eyes wide open. Mayor Chesnut said we have to acknowledge we have this problem and take steps to protect residents. Some future City Council will end up with someone saying they don't like this but we need to take action now. NOTE: Council Member West Harris had to leave the meeting before the vote took place.

Council Member David Harris made a motion to adopt Ordinance No. 2021-10-20-C, Flood Damage Protection Ordinance with the change to the Class C misdemeanor paragraph. The motion was seconded by Council Member Stoor and a roll call vote was held.

Council Member Ross – Yes Council Member Lee – Absent Council Member Stoor – Yes Council Member W. Harris – Absent Council Member D. Harris – Yes

9. CONSIDER RESOLUTION NO. 2021-10-20-B A RESOLUTION TO ADOPT THE NATIONAL FLOOD INSURANCE PLAN APPLICATION - City Manager Dotson City Manager Dotson said this is the application for people to use to apply for the flood insurance.

Council Member David Harris made a motion to adopt the application. Motion was seconded by Council Member Ross and roll call vote was held as follows:

Council Member Ross – Yes Council Member Lee – Absent Council Member Stoor – Yes Council Member W. Harris – Absent Council Member D. Harris – Yes

10. CONSIDER ORDINANCE NO. 2021-10-20-D- AN ORDINANCE TO ADOPT THE AMENDMENTS TO THE ENOCH CITY ZONING ORDINANCE, CHAPTER 12.1200. PLANNED UNIT DEVELOPMENT (PUD)- Council Members West Harris and David Harris

Council Member David Harris said they had this draft completed and then other issues came up. He and Council Member West Harris are meeting tomorrow to bring some changes to the document for another meeting.

Council Member David Harris made a motion to table Ord. No. 2021-10-20-D, an ordinance to adopt the amendments to the Enoch City Zoning Ordinance, Chapter 12.1200. Planned Unit Development. (PUD) until the next meeting on Nov. 3, 2021. The motion was seconded by Council Member Stoor and all voted in favor to table.

11. REVIEW STORM DRAINAGE IMPACT FEE FACILITIES PLAN

Mayor Chesnut commented on the Council passing the \$2 drainage fee a few years ago. We moved a dollar from another fee and added a dollar. That was never enough to save to do any project that would make a difference. He noted fees of all kinds are required to be based on a study. City Manager Dotson said there is a process to create a study and now the study we have is out of date and needs to be redone. This study is required to plan for future drainage projects and to determine what they will cost. We charge an impact fee for every new building built but impact fees are restricted on what they can be used for. One thing they can be used for is to fund studies like this. The study and analysis has to be done by a certified engineer per State code. In regard to impact fees, they are charged to new residents to offset the impact on existing residents of new development. This study tells what the projected "build out" in a certain time frame will be and what the impact on the existing system will be. It defines what needs to be done to get the system to where it is adequate for the serving existing and new residents. Using impact fees can't raise the level of service and can't do maintenance on the system. If we want upgrades they have to be funded some other way. The study notes what it will cost to maintain the level of service. The study can indicate to the City Council what fees may need adjustment as well as what we should charge for impact fees. City Manager Dotson explained the six (6) year growth trends that are typically planned for in the study noting we have passed that six year time frame and need a new study. The new study will focus on our plans for retention basins on the east side of the freeway and then what infrastructure and projects would be needed in Enoch to make storm water flow to retention basins. Those things could include piping, curb and gutter in some areas and other improvements they will come up in the course of the analysis of issues we have had and how to mitigate them. It will provide a cost analysis and give us options for funding that could include regular fees, impact fees or bonding to fund needed improvements. We had a conceptual plan based on this study a few years ago but no money to do anything. We have always been stuck on funding. We need to do smaller things on each street in flood prone areas that have come to our attention in the past months.

City Manager Dotson said his request tonight is to get the permission of the Council to get an RFP out and get a new study going. We have some funds from the drainage fee charged on the utility bill but there is not much in the Drainage Fund savings and it won't do much in the way of small projects that are needed. Our intent is to redo this study, get their fee recommendations and enact those fees to be able to do small and large projects. Impact fee

money will pay for the study and we have that on hand in saving. We will change the scope to put in some actual plans for the flood prone areas that we have mapped out by experience and then talk about obtaining funding to use for that. City Manager Dotson said there are several revenue sources available and he told about CDBG and CIB grants that may be available as well as bonding. He gave more details of what small projects were done with the plans from the study and with some funds we had on hand. Those included the work on Midvalley and Quickdraw Lane, Veteran's Memorial Drive and a project on Half Mile Road, as a few examples.

Council Member David Harris said bonds are 11/4% interest now and are a good deal adding we can get a 40-year bond. Costs for pipe and the like are transitory and will come down. City Manager Dotson gave more details about what is included in a drainage study saying they will map out everything including every culvert and ditch. They consider soil types, land uses, different types of residential landscaping, and natural shrubs and grasses. Precipitation is considered. Storm water calculations are made and they model it all. They give recommended fees to mitigate things. Installing curb and gutter was recommended at the time in the now outdated study. We did not have the funding or the political will at the time with that mayor and council. He said we have made changes per those recommendations in our code. The 6-year plan included the basins we are doing now. We have already started the process of getting some funding. Engineering is involved and everything has to be engineered. Midvalley Road is higher than areas to the south and west. For the drainage basins on other side of freeway we are getting appraisals on properties to try to purchase them to put the basins in. City Manager Dotson went on to say we will be reviewing our Code and making changes on post and pre-development flows and water coming down from developments that sit higher in the City. The size of detention basins and things like that are all factors we will consider. We want to create a robust system to get funding to get things done next summer. We will define where and how to pay for it. Council Member Stoor confirmed we are doing this without the other side of freeway which is already funded by NRCS. Mayor Chesnut said we will pay for these other things with impact fees and now Emergency Watershed funds will come into it.

City Manager Dotson said we have to advertise that we are doing this in advance of putting the RFP out for bids. There is a process defined in State law for notification to the State Homebuilders Association and others. City Manager Dotson clarified some more details regarding the NRCS funding which is the U.S. Dept. of Agriculture. They gave money for the environmental assessment. After the flood they came to help us and they are involved in maintaining the integrity of the study to make sure it is done right. He said we are meeting every other week and they are on our side 100%. They asked if they could give us more money. They propose adding \$100,000 to increase the scope of the assessment to add three more basins going from six to nine. They want to increase the money to do small projects. They want to make the channels bigger and other things to increase capacity of water that can be moved or retained. They are working to get more money for us. They are also doing planning and some design work to help us. BLM is very involved in meetings too. It is a lot of their land and their archeological people are in it. We are working to get leases on property so we can do this when the environmental study is done. We can start engineering now and then start the project. Potentially there are no promises until we are moving dirt. There is a lot of infrastructure involved and we can do things with engineers and slopes and do it simultaneously. He noted since this is federal money all is done to federal standards. It takes time but this is fast tracked now.

Mayor Chesnut said this is fresh in the community memory and we are moving as fast as federal regulations allow us to move. All understand the urgency. City Manager Dotson has been instructed to create a webpage to detail all this out for the public in the context for residents to understand it. It will tell the story and have charts and pictures. The problem is always manpower and money and we have talked about how to message these things so people can understand it. There is a context of what happened after a decade of drought and no one here was on the City

Council then. Nothing really got done except a few localized projects in the past. There was more talk about the website and putting this together for the public. The State requires a plan before we can do things with impact fees. Things need to run simultaneously and we need better data. Bonding would improve the level of service in some areas. Our Public Works Director, Hayden White is analyzing a lot of this now as is our City Engineer. We have to consider the calculations of what will change when we have basins and channels installed. We can say we think this and that but we have to have an engineered study to really determine what is needed and what it costs. Curb and gutter will help on some roads and that will be recommended street by street. There was more discussion of details of what is happening or will happen. Different things can mitigate it, Mayor Chesnut said, so "pick your poison" on cost. Impact fees will pay for the impact fee analysis study, City Manager Dotson said. We will have to bond for design work for other things. Mayor Chesnut clarified we need one company only so we do not have engineers butting heads on designing different things. We want to specify that companies don't apply to bid if they can't do the entire project at one time. We need the plans to work together in harmony so we want one engineering firm on the project.

Council Member David Harris made a motion to have the Impact Fee Drainage study redone and to create an RFP for the project. The motion was seconded by Council Member Ross and all voted in favor.

12. COUNCIL/STAFF REPORT

Mayor Chesnut said we need a closed meeting tonight for discussion of acquisition of property. Hayden White reported he got away from his cellphone for a week on vacation. Moving into winter the crew is winterizing pumps, surface sealing in places and crack sealing in Spanish Trails. They went up north to pick up the new trucks they purchased. The track hoe showed up. They are trying to finish the Little Eden line.

Ashley Horton said she is doing her regular work. People are calling asking about a City clean up. She asked the Council if we can we do it? It would require having the dump manned and our Shelter Tech, Roberta, has volunteered for some extra hours and may be able to help with that. The Council decided on Friday and Saturday, November 5th and 6th, from 7:00am to 5:00pm both days.

<u>Council Member Ross</u> Wreaths cross America is short now and need donations to meet their goal. It is a great program and we hope to keep it going.

<u>Council Member David Harris</u> said the Water Board met but he missed that one. Coby Zobell will be a wonderful addition to the Board.

<u>Council Member Stoor</u> reported the Rec and Tree Committees are meeting tomorrow at 6:00pm. They have vacancies to fill.

13. 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 motion to close the regular meeting and go to a closed meeting for the discussion or the purchase of real property. The motion was seconded by Council Member Ross and a roll call vote was held as follows:

Council Member Ross – Yes
Council Member Lee – Absent
Council Member Stoor – Yes

Council Member D. Harris – Yes

14.	ACTION FROM CLOSED MEETING-	
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ADJOURN-The regular meeting ended at 8:00 pm. 15.

Julie Watson, Recorder Date

Meeting ID: 890 3258 6187