

MINUTES
ENOCH CITY COUNCIL
September 20, 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-absent

Staff present:

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

Public present: Dilworth Armstrong and Katherine Ross

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00pm. He welcomed the audience and excused Council Member Stoor.
 - a. **Pledge of Allegiance-**Led by Council Member Johnson
 - b. **Invocation-**Audience invited to participate-Given by Council Member Harris
 - c. **Inspirational thought-**Given by Council Member Owens
 - d. **Approval of Agenda for September 20, 2017-Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Owens and all voted in favor.**
 - e. **Approval of Minutes for August 16, 2017-Council Member Owens made a motion to approve the minutes. Motion was seconded by Council Member Harris and all voted in favor.**
NOTE: There are no minutes for Sept. 6, 2017 as a quorum was not present.
 - f. **Conflict of Interest Declaration for this agenda-**none stated

2. **APPOINT NEW MEMBER TO THE WATER BOARD**

Mayor Chesnut said Steve Woolsey has given an application to serve on the Water Board. He is a land surveyor. Mayor Chesnut asked Dilworth if he could work with him and Dilworth said yes. Mayor Chesnut asked for a motion. **Council Member Harris made a motion to approve Steve Woolsey to serve on the Water Board. Motion was seconded by Council Member Lee and all voted in favor.**

3. **APPOINT NEW MEMBER TO THE TREE COMMITTEE**

Mayor Chesnut said Steve Daynes has volunteered to serve on the Tree Committee. He has worked for St. George parks and has other qualifications for outdoor type work. Mayor Chesnut asked for a motion. **Council Member Harris made a motion to approve Steve Daynes to serve on the Tree Committee. Motion was seconded by Council Member Owens and all voted in favor.**

4. **RESOLUTION NO. 2017-09-20 A RESOLUTION TO CANCEL THE 2017 MUNICIPAL ELECTION**

Mayor Chesnut said this is not the norm but there were three seats up for election, notice was published per State law and three filed to run for those three positions. Under State Code when elections are not needed due to the above situation, in order to save City funds we can cancel the election by resolution. City Attorney Kuhlmann said he reviewed the resolution and it

is fine as written. **Council Member Lee made a motion to approve Resolution 2017-09-20, a resolution to cancel the 2017 municipal election. Council Member Harris seconded the motion and a roll call vote was held as follows:**

Council Member Harris-Yes

Council Member Stoor-absent

Council Member Johnson-Yes

Council Member Owens-Yes

Council Member Lee-Yes

Motion passed

5. DISCUSS/VOTE ON PROPERTY USAGE AGREEMENT WITH BRANDON COX

Mayor Chesnut asked City Manager Dotson to explain this agreement. City Attorney Kuhlmann said he did not know the background but had some suggestions for contract changes. Mayor Chesnut said short contracts mean things go unsaid. City Manager Dotson said Brandon Cox is a resident who raises a few cattle, four or five head and he wants to graze them on City owned property we purchased in Parkview to the north. The lots around it are owned by Iron County and are not even up for tax sale due to the fissure. Brandon requested permission from the County also. There is no fence there now and he will fence it and bring water to it. The County looked at our agreement and suggested that the term period be stated and that either party could rescind or amend the agreement after notice of 30 days. Brandon wanted approval here first then he will go to the County again. He will have liability insurance for this use. Mayor Chesnut said he would like to see what the insurance covers. Council Member Harris said as long as it indemnifies the City he is good with this proposal. Mayor Chesnut questioned the “rescind or amend” part. We should take out “amend” and go with 90 day notice. Council Member Johnson said if he is installing fencing he wants some guarantees for a certain time period as that is a big investment. City Attorney Kuhlmann said any amendments must be in writing and agreed to by both parties. Amend and rescind need to be separate he added. Mayor Chesnut said we will review it further and City Attorney Kuhlmann will clean up the agreement. Insurance has to be included to indemnify the City. Council Member Harris said he has no problem to allow this because it is a good use of the land that can’t be built on. Council Member Lee asked if he would pay anything to use the land. She questioned the zoning. City Manager Dotson said it is zoned residential (R-1-18) now and livestock is allowed there. City Manager Dotson said there is no fee in the discussion now but the City Council could do that if they want to. The County has this with their attorney too. Brandon is putting in the fence at his cost. A fee may take out the profit out of it for him. Council Member Harris said if we incur any risk there should be a fee. Mayor Chesnut and staff and our attorney will re-do this agreement. It is not usable land now so grazing is a good use. There was more discussion of zoning and other issues. City Attorney Kuhlmann said if zoning allows for animals then you allow it. Council Member Lee said she thought there was a limit to animals that can be kept and there is not. She was concerned with doing the procedure correctly and that it has to be in the City’s interest. We need more recourse she said. She thinks it is harder not to have rules because then anything goes. Council Member Johnson said this is a rural farming deal which conforms to our General Plan vision for Enoch to remain rural. Also this is not buildable land due to the fissure. Council Member Harris said he is good look at zoning and maybe the Planning Commission could be assigned to review it. Right now as written he can do it without changing the zoning. Mayor Chesnut said there are no neighbors out there and we can deal with the zoning issue later if deemed necessary. It was noted that with the expense of the fencing Brandon will want some guarantees of a time period that makes it worthwhile. The agreement will be cleaned up and brought back when ready. No action was taken.

6. DISCUSS/APPROVE SOCIAL MEDIA POLICY

Mayor Chesnut said social media is becoming a more prevalent form of communication for most people. We have a City website and Facebook and Twitter. We need some policy

guidance for use of those means of communication with the public. We want to be sure there are not a lot of voices speaking for the City. As elected officials we oversee City administrators. We don't want things attributed to the City if it is a voice not approved to speak for the City. We are not restricting speech but want to make sure it is the authorized voice for the City. At present that is City Manager Dotson and Mayor Chesnut. The PD has a Facebook page for communication purposes and it works well but not all should be able to post to it. There are controls and policies in place with this policy. The public needs trust in the institution. Council Member Harris said he thought this policy looked good. Council Member Owens said we are talking about administrators using this. We should keep it to department heads. Other groups can be editors of the posts like Tree Committee, EDC and others with information to disseminate. City Manager Dotson said we want messaging to be consistent with policy and what the City Council is doing.

Council Member Johnson said he hears comments from the public about the lack of engagement by the City on the Facebook page. There was more discussion of past problems with social media use. Council Member Harris said he is in favor of going with this and if an issue comes up we deal with it then. There is freedom of speech issues too. If any damaging or dangerous talk is used we have to be able to do something. Council Member Johnson thought it may limit participation. Mayor Chesnut said we don't want to limit participation but be constructive. He asked for a motion to approve the policy and integrate it into other policies and procedures. **Council Member Harris made motion to approve the social media policy. Motion was seconded by Council Member Owens and all voted in favor.**

7. **DISCUSS AGGRESSIVE DOG ISSUE FOR FUTURE ACTION**

Mayor Chesnut said we received concerns from citizens about dogs at large that are aggressive. The question is should the City take more steps about that other than our existing dog at large ordinance. This came about due to residents coming in to complain about being menaced by aggressive dogs at large. He is open to discussion on the issue. Council Member Johnson gave the example of a small problem at his work place with a couple of people that ended up changing policy for everyone and he did not think that was handled correctly. His point is when you make rules based on the complainers you risk making everyone into complainers. If we do this we encourage more. A small group complains and we make knee jerk laws to please them.

Council Member Harris said he knows of kids attacked by aggressive dogs. Council Member Lee said it is a safety issue and she has been menaced by dogs when walking. Council Member Johnson cited an overkill situation when "dog at large" was a misdemeanor that was an issue for a person trying to get a job. Mayor Chesnut asked Chief Ames if our existing dog at large ordinance states anything about aggressive dogs. Chief Ames said we cover the benign dog at large and then we jump to vicious dogs that have a history of aggression. He said he was not in the meeting when the residents came in to talk to City Manager Dotson. This is an attempt to bridge that gap between types of dogs at large. As he interacts with the public on these issues he finds there are aggressive dogs that growl, show teeth etc. but do not make contact. Do we deem it vicious due to that? Dog at large is an infraction. if charged with vicious dog at large it is a misdemeanor and the fine is higher. Also we have to keep the vicious dog at our shelter until the case is adjudicated. We do not address this issue currently. Chief Ames said Cedar City has four different classifications of dogs and we could look at that. He likes that we specify that people have to testify in court if there is an incident. Some say they want charges but don't want their name on it. When a crime is committed the accused has the right to face their accusers.

City Attorney Kuhlmann said as he looked at this as written tonight, it is definitional. This will not let you prosecute anyone. It does not say what happens if you have an aggressive or vicious dog. Chief Ames said the idea behind this discussion was not that we want to implement this but if the City Council wants them to define this further and then we can make an ordinance. Do they want them to pursue this or not. Council Member Owens said there is a wide gap

between types of dogs at large. Something should be in place if a dog bites. We do have vicious dog in our ordinance now. It is a simple dog at large until it bites someone. City Manager Dotson said this is “copy and paste” from Cedar City. Mayor Chesnut said his concern is he agrees this appears to be attempting to criminalize a definition. He expounded on the definition of a threatening dog. It is difficult to define what a reasonable person would characterize as scary. City Manager Dotson said he is accosted by dogs all the time when out walking. Council Member Harris concurred. Council Member Lee gave an example of being bitten when out walking. Mayor Chesnut said under our ordinance it is already dealt with. He asked do we want to add more law or increase the penalty for “vicious at large” dogs. Chief Ames said you have to have evidence and be willing to go to court. Council Member Harris would like something in between on this to protect citizens but a dog should not have to have a “rap sheet” already before we do something about it. Council Member Johnson said if someone gets bit they need to report it. We should not assume every loose dog is a vicious animal. Council Member Owens said he does not like the extremes in this language. Council Member Lee confirmed that our ordinance is only enforced when someone complains. Council Member Owens said there needs to be a definition of what constitutes an aggressive dog. Mayor Chesnut said a child being fearful is not the defining characteristic of this. Council Member Harris said in principle he would like to see some further discussion including penalties. Council Member Lee said a vicious dog penalty should be stiffer than dog at large. Chief Ames said it can still be an infraction but we could increase the fine adding higher penalties if a dog becomes a perpetual problem. This will be brought back to the Council with some reworking on the language and in ordinance form. No action was taken.

8. DISCUSS DRAINAGE PROJECTS AND A PLAN OF ACTION

Mayor Chesnut said Council Member Lee asked for this to be on the agenda. Council Member Lee said this is for the City Council to decide however the Water Board did not meet this month because of the ongoing talks with Cedar City on the wastewater treatment plant water for recharge so they have no recommendations yet. We have had the drainage discussion on impact fees. We need to address the user fee part of it. Either we do the projects or not. City Manager Dotson said if we doing the projects we have to have funds. Council Member Lee said in her opinion we agreed we would basically fund the whole project and not piecemeal it so we created the impact fee. Council Member Johnson thought it depended on population growth. Council Member Harris said storm drainage is different. Council Member Owens recapped small projects planned that we have been doing already with funds from the user fee increase. We can use our impact fees for the larger projects however the new impact fee does not take effect until November 13th. Council Member Harris said if we do it all upfront we would have to bond for it. Council Member Lee said she thought the plan was that we are going to move ahead with this. We decided to implement all parts of the plan and not piecemeal it. Council Member Owens suggested applying for grants/loans etc. to fund some so we don't have to bond so much. Council Member Harris said finding financing has to come first.

City Manager Dotson said the City Council approved the impact fee analysis and that is the plan. It gave us the details of what we would need to do in the plan. In the conversations the City Council has discussed doing it all now if we can get the funding and part of that is the engineering. He is meeting with NRCS about grants that we are likely to qualify for and we have to have for a match. Then we apply for the grants. Part would be engineering to design this. He elaborated that in time impact fees would repay it if we bond. If impact fees can make the payments then there is no need to increase user fees. We will open the budget in November and then we can talk about a user fee increase. Council Member Lee confirmed the meeting with NRCS is the start of it and City Manager Dotson said yes. In November we open the budget and impact fees take effect on November 13th. Mayor Chesnut said we want to mitigate the user fee increase if we can fund it other ways. Mayor Chesnut said if we bond we can't get grants.

Council Member Johnson said that does not represent the residents well to just borrow the money. Mayor Chesnut said a lot happens behind the scenes however we have to talk about this in public meetings when we have the facts. Council Member Lee said she wants to make sure we keep moving ahead. City Manager Dotson said the timeline is to have the first conversation with those who have grants available. First on the list is NRCS because they have the funding and are willing to give it out. The County is applying for 18 million for Parowan Canyon now. We are talking to Lance Smith who is the NRCS representative and who designed parts of the system. We have some ideas of what needs to be done based on our last project. We will go through the process to see what that means financially; hopefully before November when we open the budget. If the Council decides to increase user fees we will have a number based on the range given in the impact fee analysis Sunrise Engineering did. There was more discussion of the original NRCS plans for retention basins and who owns the land. It may come fast or take months but we have to do behind the scenes work first. There was more discussion about getting grants and the favorability of getting them. We could start with curb and gutter in places designated by the plan and use the user fees we have saved up which is about \$100,000 in the drainage account now. The City Council would have has to approve using those funds. No action taken tonight.

9. PUBLIC COMMENTS-none

10. COUNCIL/STAFF REPORT

Chief Ames said there were two accidents on Minersville Highway today but no injuries. They are busy and there are still lots of drugs out there.

Earl Gibson reported the new well is coming along. The building is up and trusses on. We moved the generator up there and built a catch basin for it. Each day we get more done.

Ashley Horton said it is business as usual and she is about ready for the audit. The account for storm drainage has been set up. She said she got rear-ended in the new City vehicle but there was not much damage.

City Manager Dotson reported he emailed an invitation to the City Council to attend the aquifer recharge tour at noon on October 11th. Please RSVP and we can go from here in the City car. Council Member Harris and Mayor Chesnut they could attend. City Manager Dotson reported we have been offered some water storage tanks for culinary water. They are not free but very reasonable. One is a million gallon tank and the other a 250,000 gallon tank. Impact fees can be used for that purchase. We don't need them at this time but if available at such a good price we should get them. We would put the smaller one by the new animal shelter. He added the road to the animal shelter is still being talked about. We received permission from land owners to create a new road to go to the shelter so engineers are working on it. We also received permission for the water line there. On another topic he said a resident who installed a water line in order to build their home still wants to be compensated for the water line he installed because others are hooking onto it now and he wants compensation for that. He has given us the invoices. We required he pay for this waterline to build his house. We paid the difference to upsize the line for future growth. He wants some compensation because others are hooking into it although it is our water line now. We did not have an agreement in place and now it is ten years later. We have talked to our attorney and we may get agreements for future situations like this but have no agreement in place in this case. The City Council would have to decide on this request for compensation. He reported an open burn has been approved for Oct. 15 to Nov. 15th.

Julie Watson reported there are no agenda items for the next Planning Commission agenda so the meeting will be canceled.

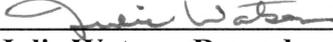
Mayor Chesnut said he participated in the Care and Share charity golf tournament and Enoch got credit for a donation by a citizen. They showed support by raising money. He won a prize in an "opportunity" drawing and gave details of ways to donate money to Care and Share. It was a

good day and they raised a lot of money. There is another event tomorrow. They need peanut butter and need to raise 1000 jars. There are members of our community who need help from Care and Share so it is good to donate whenever we can.

Council Member Lee said we qualified for a \$24,000 matching grant so Enoch has to come up with manpower and labor for our match. It is the Recreation Trail Program Grant. She gave details saying they wrote the grant to finish the trail to Highway 91 from Horseshoe Drive. It covers painting the safety pedestrian lines to cross Hwy.91 and the trail to the Rec Complex and trail around the complex. We have two years to do that. She reported she and City Manager Dotson will have a field trip with Donna Law of the Utah Transportation Board and Clayton Wilson, District Engineer for UDOT. They will tour the Enoch perimeters to highlight the challenges we see, particularly Minersville Highway and the extreme congestion by Maverick. Also they will continue the discussion about the belt route road that would meet up with the County long term planned belt route out to Highway 56. We want to be on the map for that.

Council Member Owens reported the EDC started a four point strategic plan. They are looking at talking with businesses and reviewed a list of them. They have physical locations of where they are located. They will reach out to corporations to see what they need and to direct them to the resources and suppliers to get some help.

11. ADJOURN- Council Member Harris made a motion to adjourn. Council Member Owens seconded the motion and all voted in favor. The meeting ended at 7:45pm.

 10-4-17

Julie Watson, Recorder **Date**