


ENOCH CITY COUNCIL NOTICE AND AGENDA

**February 6, 2019 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road**

- 1. CALL TO ORDER OF REGULAR COUNCIL MEETING**
 - a. Pledge of Allegiance-**
 - b. Invocation-Audience invited to participate-**
 - c. Inspirational thought-Given by Council Member Harris**
 - d. Approval of Agenda for February 6, 2019-**
 - e. Approval of Minutes for January 16, 2019-**
 - f. Conflict of Interest Declaration for this agenda-**
- 2. HONOR DILWORTH ARMSTRONG FOR SERVICE ON THE WATER BOARD**
- 3. PUBLIC COMMENTS**
- 4. DISCUSS PLANNING COMMISSION RECOMMENDATION ON ZONE CHANGE FOR ROLLO FAMILY PARTNERSHIP PROPERTY FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11**
- 5. ORDINANCE NO. 2019-02-06 AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 56.23 ACRES OF PROPERTY OWNED BY THE ROLLO FAMILY LIMITED PARTNERSHIP FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11**
- 6. RESOLUTION NO. 2019-02-06 A RESOLUTION APPROVING THE ENOCH CITY, UT/IRON COUNTY DISASTER INTER-LOCAL AGREEMENT**
- 7. COUNCIL/STAFF REPORT**
- 8. CLOSED MEETING REQUESTED TO DISCUSS PERSONNEL MATTERS, IMMINENT LITIGATION OR REAL ESTATE TRANSACTIONS-(Requires a roll call vote w 2/3 majority)**
- 7. ACTION FROM CLOSED MEETING-APPROVE CONTRACT FOR RAVINE WELL DEEPENING**
- 8. ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice. Meetings of the Enoch City Council may be conducted by electronic means pursuant to Utah Code Annotated, Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to the Enoch City Code of Revised Ordinances, Chapter 3-500, regarding meeting procedures including electronic meetings. **CERTIFICATE OF DELIVERY**

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the City Council, emailed to "Cedar City Daily News", posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on 1-31-19.


Julie Watson, Recorder **1-31-19**
Date

MINUTES
ENOCH CITY COUNCIL
January 16, 2019 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-absent

Staff present:

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

Public present: Brent Carter, Mike Platt and Mark Howard

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00pm.
 - a. **Pledge of Allegiance-**Led by Julie Watson
 - b. **Invocation-**Audience invited to participate-Given by Council Member Harris
 - c. **Inspirational thought-**Given by Council Member Owens
 - d. **Approval of Agenda for January 16, 2019-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 January 2, 2019-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-**none stated
2. **PUBLIC COMMENTS-**none
3. **HONOR DILWORTH ARMSTRONG FOR SERVICE ON THE WATER BOARD**
Dilworth was absent. Council Member Harris made a motion to table this item until the next meeting. Motion was seconded by Council Member Owens and all voted in favor.
4. **DISCUSS PLANNING COMMISSION RECOMMENDATION AND VOTE ON PLAT AMENDMENT FOR BRENT CARTER**
Brent Carter came forward to say there is block wall overlapping the adjacent owner's property. This action is to correct the error so the block wall is on the owner's property. Council Member Harris made a motion to approve the plat amendment for Brent Carter. The motion was seconded by Council Member Ross and all voted in favor.
5. **DISCUSS PLANNING COMMISSION RECOMMENDATION AND VOTE ON CONSTRUCTION DRAWINGS FOR FOX HOLLOW SUBDIVISION, PHASE 1**
Mike Platt came up to represent the developer. Mayor Chesnut asked Council Member Harris about the Planning Commission discussion. Council Member Harris said this is a recommendation on the subdivision by 3600 North. The applicant followed all engineering requirements and made needed changes as instructed by the City Engineer. Council Member Harris said the Planning Commission reviewed it and it meets all requirements of our ordinances for lot size, easements and all necessary items. Mike Platt added City Manager Dotson has been

great to work with. City manager Dotson said we may be changing the Subdivision Ordinance in the near future to make this an administrative action. Council Member Harris elaborated said it makes sense for the Planning Commission and City Council to see conceptual plans at the beginning and then to approve final plats at the end. The processes in the middle are administrative. If it follows our ordinances we have to approve it based on the ordinances. City Manager Dotson said it will start with the Planning Commission first to change the Subdivision Ordinance. Mayor Chesnut asked for a motion. **Council Member Harris made motion to approve the Construction Drawings for the Fox Hollow Subdivision, Phase 1. The motion was seconded by Council Member Lee and all voted in favor.**

**6. DISCUSS AMENDING THE ENOCH CODE OF REVISED ORDINANCES
TITLE 3-000, SECTION 3-819 REGARDING AMOUNT OF BOND**

Mayor Chesnut asked City Manager Dotson to tell the Council about this. City Manager Dotson said our ordinance currently requires a municipal official to have a bond in place. Since this requirement was put in place things have changed in the insurance world and now we have crime insurance that is required and we have that policy. State Code does not require it yet but that is coming. Mayor Chesnut asked how that works. City Manager Dotson explained it is to cover things like embezzling funds. Council Member Owens asked if it is like errors and omissions insurance. City Manager Dotson that is already covered and this is for if a crime is committed by an employee then the City is covered. We are not liable for errors and omissions due to government immunity in the State Code. This is just a language change in the Code.

**7. ORDINANCE NO 2019-01-16 AN ORDINANCE AMENDING THE ENOCH
CITY CODE OF REVISED ORDINANCES, TITLE 3-000, SECTION 3-819,
AMOUNT OF BOND**

Council Member Harris made motion to approve Ordinance No. 2019-01-16, an ordinance amending the Enoch City Code of Revised Ordinances, Title 3-000, Section 3-819, Amount of Bond. Motion was seconded by Council Member Ross and a roll call vote was held as follows:

**Council Member Harris-Yes
Council Member Ross-Yes
Council Member Lee-Yes**

**Council Member Stoor-Absent
Council Member Owens-Yes
Motion passed**

8. COUNCIL/STAFF REPORT

Chief Ames reported Cameron Leach finished the first half of POST and has started the second block. He has about 10 weeks to graduate. He said they are trying to stay on top of the new marijuana laws coming in the State. There is some in house training and some things coming from the Dept. of Public Safety. The impaired driving law that changed from .08 blood alcohol level to .05 does not change much for them. The question is, are they impaired or not. The standard is the same. The new marijuana laws are more complicated and still in the works in the Legislature. The State has not caught up with that yet. You still can't smoke it. If they have a medical card from any state we are honoring that. They can have as much as 4 oz. of marijuana. Paraphernalia is still illegal. He referred to a power point we have that is available if the Council Members would like to see it. City Manager Dotson said he would forward it. Chief Ames reported they are gearing up for the Chiefs of Police Association for the next legislative session. He reported they have been busy with calls and he had been at the Children's Justice Center a lot lately. Council Member Lee commented on the accidents by Maverik. The new speed trailer is being effective. It records traffic in both directions. He gave more details of findings and asked the Council to recommend where to put it if they had concerns for certain areas.

Earl Gibson said they are back to working on the pond in Iron Mountain. It is mostly done except the slopes on the sides. At the animal shelter they put the doors and windows in. The plumbers and electricians have been there and are almost done. The roof will go on next week.

Ashley Horton said she is busy on year end reporting. She sent out the W-2s.

City Manager Dotson reported the Water Impact Fees Facilities Plan engineers met with them last week. They have done intensive studies on growth rates and what that means for our future needs for source and storage. They recommend a 3% growth rate and they are asking permission to base their study on that 3% growth rate. They will use what City Council decides. They can go higher or lower and it changes the needs for water. He is asking for a consensus from the City Council per the letter he forwarded to everyone. There was some discussion and the consensus was to go with the recommended 3% figure. City Manager Dotson said we have allowed guest houses on properties. There has been someone who wants to put another guest home on a commercial lot. Currently they can put any amount of guest homes on commercial property and that was not the intent. This is not a conditional use in commercial zones anymore. The intent was fine for one guest house but this could be a problem in commercial zones. The City Council needs to have the Planning Commission look at residential housing on commercial property. Allowing one guest home was something we gave a conditional use permit for in the past when that was the requirement at that time. It was not the intent that more than one guest home be allowed but that is what has happened when we removed "dwelling unit" from the list of things that require a conditional use permit in commercial zones. We should look at that and put conditions on it. The City Council agreed the Planning Commission should review that. City Manager Dotson referred to the current Iron County Today newspaper that highlighted several Enoch residents.

Julie Watson reported the election check list has come out. The filing period will be June 3rd -7th.

Mayor Chesnut reported the Iron County Coordinating Council met on the 9th and talked about the upcoming Legislative session. The goal is to get our voices heard and recognized and not just let the Wasatch Front run the issues. He and City Manager Dotson are making plans to go up to SLC for a session. All of the City Council is invited to go along. There are some bills that will take municipal power from us meaning we will have a local impact from Wasatch front problems. He briefly told about other issues. He recommended the tracking software online to watch the bills. City Manager Dotson added they now see the impacts of the Legislature that has a lot of developers on it and they want to take land use power from localities. We have 45 days to represent our local interests.

Council Member Harris said two things came to the City Council from the Planning Commission tonight. They will have a public hearing on a zone change at their next meeting. They will work on changes to the Subdivision Ordinance and also commercial conditional use for the guest house issue. Council Member Harris will be tracking the Central Iron County Water Conservancy District more because he is now on that Board.

Council Member Lee said Council Member Harris and City Manager Dotson went to a belt route meeting. She wondered how that went. City Manager Dotson said he would brief her outside of this meeting. Council Member Lee said she wants the nuisance ordinance to come back up soon. City Manager Dotson said our City Attorney is looking at it.

11. ADJOURN-Motion to adjourn by Council Member Harris. Motion seconded by Council Member Owens and all voted in favor. The meeting ended at 6:54 pm.

Julie Watson, Recorder **Date**

PLANNING COMMISSION RECOMMENDATION
MINUTES

ENOCH CITY PLANNING COMMISSION

January 22, 2019 at 5:30pm

City Council Chambers

City Offices, 900 E. Midvalley Road

MEMBERS PRESENT:

Commissioner Paul Hardy
Commissioner Greg Peterson
Commissioner Josh Killian-absent
Commissioner Debra Ley
Commissioner Bob Tingey

STAFF PRESENT:

Rob Dotson, City Mgr.
David Harris, Council Member
Julie Watson, City Recorder

PUBLIC PRESENT: Alex Meisner, Helen & Randy Rhoads, Brian & Karie Crawford and Jennie Vossler

2. PUBLIC HEARING ON ROLLO ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11

Commissioner Peterson made a motion to close the regular meeting and go to into the public hearing on the Rollo zone change from Single Family Residential R-1-18 to Single Family Residential R-1-11. Motion was seconded by Commissioner Ley and all voted in favor.

Chairman Tingey invited public comments asking them to state name and address for the record. Randy Rhoads of 4416 Old Scout Trail said we have so few people here. If more notices were sent more would come. This is proposed to be quarter acre lots which would mean 112 homes vs 220 homes. If all of the community were sent notices this place would be filled up. With higher density houses all surrounded by 18,000 SF lots this lends itself to tract housing or duplexes or more affordable houses and maybe even apartment buildings. They needed more information in the notice. He noted you can't even make the streets line up. You would have to change all the housing running north and south. What will happen is if they have two cars? Half will park on the street. With the quarter acre it lends itself to high density and cheap housing and will run down the surrounding area. There will be more single parents in there and more unsupervised children, crime and overcrowding in the schools. They can't tell from letter sent out. The streets won't line up in existing neighborhoods. If approved, this will have a financial impact on all neighborhoods and not just those adjacent. To line up with Southern Homestead there will be four homes in there. He thinks had all people known, they would not have bought their homes if they knew it would be quarter acre lots going in next to them. The one benefited is the developer or businesses that will come in. They won't live there or near there. They live elsewhere. Property values will go down. Helen Rhoads said when they bought five years ago they looked at farmland and she know things change. Smaller lots mean more kids and she worked for the school district in Las Vegas and knows overcrowding. With smaller lots you get more and then businesses come in. It sounds like things are going down now that they are able to enjoy retirement here and this rural life is going away and more people are coming in. Enoch can't build more schools for all this growth. They may sell and move. She agrees older folks want smaller lots but when that time comes you move. She is not happy with this. If more were notified more would be here. Most did not come. The notice did not tell enough to help them understand. Their street could be a major thoroughfare.

Chairman Tingey read a letter received from James and Judy Cummings which is attached to these minutes.

Brian Crawford said their property backs up to this and growth comes. There are water issues here and with that comes other problems. He does not know if they give water or not. Lower Tomahawk Road has drainage issues too. He wants the feel of the area retained. This changes it for those living there.

Alex Meisner said he owns this and it is contingent on them to do the things to make this work with City requirements for road layout and infrastructure. He said there are maybe only 150 lots going in with one residence per 11,000 SF lot. The design is not done yet. The lots will actually be about 12,000 SF and they are not going to do the minimum lot size. He is a permanent developer here and smaller lots are the future. Big lots are the past. It is impossible to develop and make anything pay off with 18,000 SF lots. No costs are going down. Everything is going up. He knows it is hard to accept change and this is not approved yet. Alex said he owns a lot of property in different parts of Cedar City and they are smaller lots. At this time he is only going to be selling lots. No homes are designed yet. It will be the type of home you can see in Iron Mountain Subdivision. His lots in this subdivision, if approved, will be 12,000 SF to 12,500 SF lots. The intention is to sell lots and build what they can. They have to follow all City requirements on roads. He does not have the layout worked out yet. They have to have two accesses in and out of the subdivision per Code and the roads will not continue through. He said he is not trying to impact what is there but to make it go to the Highway for access in and out.

There were no other comments.

Commissioner Peterson made a motion to end the public hearing and return to the regular meeting. The motion was seconded by Commissioner Ley and all voted in favor.

3. DISCUSS AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 56.23 ACRES OF PROPERTY OWNED BY THE ROLLO FAMILY LIMITED PARTNERSHIP FROM SINGLE FAMILY RESIDENTIAL (R-1-18) TO SINGLE FAMILY RESIDENTIAL (R-1-11)

Chairman Tingey said he wanted to clarify what the Planning Commission does here. Their job is this; the application is brought before them; they hold a public hearing and then discuss the issue in light of the comments. They make a recommendation to the City Council. The City Council can approve it or not. City Manager Dotson explained where this notice is posted for all to find. The immediately adjacent property owners are sent letters per requirements of State law. City Manager Dotson pointed out the area on the map. Chairman Tingey said he wanted to clarify one thing with City Manager Dotson. Mr. Rhoads said the streets don't lineup. City Manager Dotson said they have to provide two access points into the subdivision. We only dictate they have to access from Southern Homestead on the existing road and Half Mile Road on the other side because those are the roads on the General Plan Land Use Map. Trails West Subdivision and Southern Homestead Subdivision are on the north side of this property. There was more discussion of property values in regard to new development and it was noted even older homes have not gone down in value. Mr. Rhoads talked about how the neighbors have enhanced the property values. He thinks things will go the other way regarding home values with this development going in.

Commissioner Ley said our hands are tied. As dictated by the State we have that zone within our Code and if this meets all requirements we have to say yes. City Manager Dotson said a zone change is a legislative action. The City Council will decide on this. Chairman Tingey said we are only making the recommendation. If you decide to you can make any decision you want because this is legislative. The City Council will decide if this fits within our General Plan and is a good place for this zone. Council Member Harris said the State is pushing for affordable housing but we don't dictate what a developer builds in there. Council Member Harris said they can do whatever they want on the recommendation. The property owner has rights to do what they want with their property but the Planning Commission can recommend something else or allow the zone change as they want it. Commissioner Ley said a lot of people moved here for the rural atmosphere. Also people have rights to develop how they want. Chairman Tingey said this comes up over and over. Commissioner Peterson said some people will come here for

these smaller lots. Council Member Harris said this may not be a good place for heavy industrial but where this is appropriate given the surrounding area, uses drive the decision. It is not appropriate for commercial use but it is for residential use. Maybe it should be remain as bigger lots and they can recommend that too. The decision rests with the City Council. City Manager Dotson said all improvements have to be built by the developer and they have pay for it as far as water, drainage and roads lining up as required by our Code. Commissioner Hardy said we are aware of traffic issues and we are working on that. The southern boundary touches Iron County. The County only allows five acre lots. Mr. Rhoades said what about what is being built by the car wash. He was told that is in Cedar City. That type of housing is not allowed in this zone change request. We do have the MR-2 zone where townhomes or twin homes are allowed. Unless the developer creates C, C &R's you can have livestock in there.

Chairman Tingey recapped saying we heard this will cause degradation of the neighborhood, higher density and that residents bought for the rural area. Chairman Tingey asked the Planning Commission what they are hearing for our future. Commissioner Peterson said that is why we allowed the R-1-11 zone two years ago. That was the whole point. People said most people don't know what this means and to notify more people around this area. Chairman Tingey said he personally does not have the nervousness these residents expressed about property values. This will be nicer homes built there and will be nicer than most homes north of there. Chairman Tingey said he is more optimistic on this. He asked the Planning Commission what they think. Commissioner Ley said she is conflicted. This property belongs to someone and they should decide what they want. She came here for the rural community as well. Chairman Tingey said he did too. She feels the impact of the smaller lots but are we going to tell a landowner he is not welcome here. Commissioner Ley said it is that or eliminate the zone. Chairman Tingey said there are never any guarantees that zoning will stay the same in an area. Commissioner Ley said because we are looking at the process of allowing people to decide what they do with their property and this is residential we have to pass it to the City Council and let them decide. Our hands are tied with our zoning that is allowed. Property owners can do what they see fit. Commissioner Peterson disagreed saying it is a matter of opinion. Chairman Tingey said he does not see the downside at all. Commissioner Peterson said he sees his kids being able to afford a home out here with an option like this. This will not change things too much. Commissioner Hardy said again we are aware of the traffic problems and this has to be worked out by the developer.

Chairman Tingey asked for a motion. **Commissioner Peterson made a motion to send a favorable recommendation to the City Council to change the zoning of the Rollo property from R-1-18 to R-1-11. The motion was seconded by Commissioner Hardy and Chairman Tingey called for a roll call vote. All voted in favor.**

**ENOCH CITY CORPORATION
ORDINANCE NO. 2019-02-06**

**AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE
ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING
OF APPROXIMATELY 56.23 ACRES OF PROPERTY OWNED BY THE
ROLLO FAMILY LIMITED PARTNERSHIP FROM SINGLE FAMILY
RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11**

WHEREAS, the owner of 56.23 acres of property located south of Trails West Subdivision applied to have the zoning changed from Single Family Residential R-1-18 to Single Family Residential R-1-11; and

WHEREAS, having received an affidavit from the Rollo Family Limited Trust empowering Alex Meisner to seek a zone change; and

WHEREAS, the Enoch City Planning Commission held a public hearing on January 22, 2019 after noticing as required by State law; and

WHEREAS, the Planning Commission discussed the matter and made a favorable recommendation for the zone change; and

WHEREAS, the Enoch City Council has determined that the zone change request meets City requirements;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of Enoch City that the zoning of 56.23 acres of property owned by the Rollo Family Limited be rezoned from Single Family Residential R-1-18 to Single Family Residential R-1-11:

This Ordinance was voted upon and passed by the Enoch City Council at a regular City Council meeting held on the 6th day of February 2019. It shall take effect immediately after signing by the Mayor and City Recorder.

DATED this 6th day of February 2019

ENOCH CITY CORPORATION

VOTING:

David Harris	Yea___	Nay___
Katherine Ross	Yea___	Nay___
David Owens	Yea___	Nay___
Shawn Stoor	Yea___	Nay___
Jolene Lee	Yea___	Nay___

ATTEST:

SEAL:

Julie Watson, City Recorder

**ENOCH CITY, UTAH/IRON COUNTY
DISASTER INTERLOCAL AGREEMENT**

THIS AGREEMENT is entered into this _____ day of _____, 2019, by and between **ENOCH CITY, UTAH** and **IRON COUNTY, UTAH**, a body of politic, both of said entities located in Iron County, State of Utah.

WHEREAS, the Interlocal Cooperation Act, §11-13-1, et seq., Utah Code Annotated, 1953 as amended, permits local government entities to make the most and efficient use of their powers by enabling them to cooperate with other localities and entities on a basis of mutual advantage for the purpose of providing services and facilities that will work best with the geographic, economic, population, and other factors influencing the needs and developments of local communities, and to provide the benefit of economy of scale, economic development, and utilization of natural resources for the overall promotion and general welfare of the political entities; and

WHEREAS, it is in the interest of Enoch City and Iron County to cooperate to achieve economies, efficiencies, and avoid duplication and discharge of responsibilities to the citizens of the various participatory entities for the purpose of maintaining the health, welfare, and safety of those citizens in the handling and prevention of natural and man-made disasters.

NOW, THEREFORE, in consideration of the foregoing, and of the mutual covenants, promises, and conditions contained herein, the parties agree as follows:

1. **Term.** This Agreement shall be in full force and effect for a period of five (5) years from and after the date of the agreement set forth herein. This Agreement may be renewed upon mutual agreement of the parties on or before the expiration of the five (5) year period. Moreover, this Agreement may be terminated by either party by forwarding written notice, to the other party, at least thirty (30) days prior to the desired termination date.

2. **Responsibilities.** Iron County promises, covenants, and agrees to provide to Enoch City all of its resources, manpower, and capabilities in the event of an earthquake, flood, fire, hazardous material incident, evacuation, or other natural or man-made disaster or catastrophe of any nature. Iron County agrees to provide said assistance in good faith and by using its best efforts to assist Enoch City. Enoch City promises, covenants, and agrees to provide to Iron County all of its resources, manpower, and capabilities in the event of an earthquake, flood, fire, hazardous material incident, evacuation, or other natural or man-made disaster or catastrophe of any nature. Enoch City agrees to provide said assistance in good faith and by using its best efforts to assist Iron County.
3. **Permission.** Enoch City hereby grants permission to Iron County and other appropriate agencies to enter Enoch City, upon request by Enoch City, to assist in the event of an earthquake, flood, fire, hazardous material incident, evacuation, or other natural or man-made disaster or catastrophe of any nature. This permission, set forth herein, may be revoked at any time deemed appropriate by Enoch City, and Iron County shall comply with any request to terminate assistance and remove itself. Iron County hereby grants permission to Enoch City and other appropriate agencies to enter Iron County, upon request by Iron County, to assist in the event of an earthquake, flood, fire, hazardous material incident, evacuation, or other natural or man-made disaster or catastrophe of any nature. This permission, set forth herein, may be revoked at any time deemed appropriate by Iron County, and Enoch City shall comply with any request to terminate assistance and remove itself.
4. **Indemnification.** Enoch City does hereby promise and covenant to indemnify and hold Iron County from all defense costs, including attorney's fees, or from any other costs, claims, demands, liabilities, lawsuits, or other legal action brought by any entity or third party arising out of or affiliated with Iron County assisting Enoch City pursuant to the terms and conditions of this Agreement and in responding to an earthquake, flood, fire, hazardous material incident, evacuation, or other natural or man-made disaster or catastrophe of any nature, said indemnification including but

not limited to actions or inactions by any of Iron County's agents, employees, or representatives acting on behalf of Iron County in assisting Enoch City. Iron County does hereby promise and covenant to indemnify and hold Enoch City harmless from all defense costs, including attorney's fees, or from any other costs, claims, demands, liabilities, lawsuits, or other legal action brought by any entity or third party arising out of or affiliated with Enoch City assisting Iron County pursuant to the terms and conditions of this Agreement and in responding to an earthquake, flood, fire, hazardous material incident, evacuation, or other natural or man-made disaster or catastrophe or any nature, said indemnification including but not limited to actions or inactions by any of Enoch City's agents, employees, or representatives acting on behalf of Enoch City in assisting Iron County.

5. **Reimbursement.** Enoch City agrees to reimburse Iron County for any and all monies spent by Iron County in assisting Enoch City in pursuant to this Agreement. Moreover, Enoch City agrees to diligently seek federal assistance in lieu of county assistance where applicable. In the event federal assistance is provided, Enoch City hereby acknowledges its responsibility to pay those amounts not otherwise covered by said federal assistance. Iron County agrees to reimburse Enoch City for any and all monies spent by Enoch City in assisting Iron County pursuant to this Agreement. Moreover, Iron County agrees to diligently seek federal assistance in lieu of city assistance where applicable. In the event federal assistance is provided, Iron County hereby acknowledges its responsibility to pay those amounts not otherwise covered by said federal assistance.

6. **Miscellaneous.**

- A. This Agreement shall be governed by the laws of the State of Utah and applicable federal law and is subject to, and to be construed pursuant to, such laws.
- B. The thrust and intent of the Interlocal Agreement is for the sole purpose of Iron County assisting Enoch City, and Enoch City assisting Iron County, and each giving permission to receive said assistance. Nothing in this Agreement

shall be construed or interpreted to require Enoch City or Iron County to provide said services as this is a cooperative agreement, and it is not intended to be binding on the parties in the event of inappropriate action or inaction by any party. Stated another way, this Agreement is made for the sole benefit of Enoch City and Iron County, and each is willing to use its best efforts to assist each other in the event of an emergency, but the parties agree that neither party will not be liable, or subject to any claims or lawsuits by each other or third parties so long as each party acts in good faith and uses its best efforts to assist each other.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals on the date set forth hereafter.

IRON COUNTY:

, Chairman
Iron County Commission

ENOCH CITY:

, Mayor
Enoch City

**ENOCH CITY CORPORATION
RESOLUTION NO. 2019-02-06**

**A RESOLUTION TO APPROVE THE INTER-LOCAL DISASTER AGREEMENT
BETWEEN ENOCH CITY AND IRON COUNTY**

WHEREAS, Enoch City and Iron County have the desire to protect the health, safety, and general welfare of their residents; and

WHEREAS, it is in the interest of Enoch City and Iron County to cooperate to achieve economies, efficiencies and avoid duplication and discharge of responsibilities to the citizens of the participating entities for the purpose of maintaining the health, welfare and safety of those citizens in the handling and prevention of natural and man-made disasters; and

WHEREAS, Enoch City and Iron County agree to provide each other with its resources, manpower and capabilities in the event of a natural disaster or man-made disaster;

NOW THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to cooperatively adopt this Inter-local Agreement and authorize the Mayor to sign the attached agreement.

This resolution was made, voted upon and passed by at least a majority vote of the Enoch City Council during a regular council meeting held on the 6th day of February 2019. This resolution shall take effect immediately upon being signed by the Mayor and City Recorder.

ENOCH CITY CORPORATION

VOTING:

David Harris	Yea___	Nay___
Jolene Lee	Yea___	Nay___
David Owens	Yea___	Nay___
Katherine Ross	Yea___	Nay___
Shawn Stoor	Yea___	Nay___

Geoffrey L. Chesnut, Mayor

ATTEST:

SEAL:

Julie Watson, City Recorder