

MINUTES
ENOCH CITY COUNCIL
February 17, 2016 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 Dave Owens
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder
Dan Jessen, Treasurer
Nick Turner, City Attorney
Robert Dotson, City Manager
Earl Gibson, Public Works
Jackson Ames, PD Chief

Public present: Michelle & Donna Pritchard, Dilworth Armstrong, David Benkert, Sr., Ben Anderson, Jolene Lee, Dustin Roy, Susan Carter, Chris Johnson, Scott Leavitt and Susan Lewis

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00pm. He welcomed the audience.
 - a. **Pledge of Allegiance-**Led by Council Member Stoor
 - b. **Invocation-**Audience invited to participate-Given by Council Member Johnson
 - c. **Inspirational thought-**Given by Council Member Harris
 - d. **Approval of Agenda for February 17, 2016-Council Member Harris made a motion to approve the agenda. Motion was seconded Council Member Owens and all voted in favor.**
 - e. **Approval of Minutes for February 3, 2016-Council Member Stoor made a motion to approve the minutes. Motion was seconded by Council Member Harris and all voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-**none stated

2. **RECOGNITION OF INDIVIDUALS LEAVING CITY SERVICE**

Mayor Chesnut said PD officer Dustin Roy has taken position with Iron County Sheriff's Department and will be leaving us. Mayor Chesnut and Chief Ames presented him with a plaque saying he has been great to have in Enoch and will be an asset to the County too. Mayor Chesnut said it is sad to see quality individuals leave but good to know they have other opportunities. Previous Council Member Wilcken could not come tonight but we want to recognize the work he did for the City. Diversity of opinion is important to the discussion. He had a passion for knowing the issues and we want to thank him for his service and are sad for his departure.

3. **RESOLUTION NO. 2016-02-03-A A RESOLUTION TO READ AND AFFIRM THE CONSTITUTIONS**

Mayor Chesnut asked Council Member Johnson to explain this to the public since he suggested it. Council Member Johnson stressed the importance of elected officials reading the State and U.S. Constitutions because they take an Oath of Office to support and defend them. If the constitutions have not been read recently the oath is meaningless. He wanted an ordinance to require elected officials affirm publicly that they read them. On the advice of legal counsel it was decided this would be a resolution instead of an ordinance. City Attorney Turner added one thing we have to be careful of is that we can't make local laws more restrictive than State law so that is why it is a resolution. It is meant as encouragement but can't be required. City Attorney Turner said the wording should be changed from "must" to "should" in the resolution. Mayor Chesnut asked for motion with the change also adding "have read or had read to them" in the text. Council Member Johnson made a motion to approve Resolution No. 2016-02-17, a resolution to read and affirm the constitutions with the wording changes as discussed. Motion seconded by Council Member Owens and a roll call vote was held as follows:

Council Member Harris-Yes
Council Member Johnson-Yes

Council Member Stoor-Yes
Council Member Owens-Yes
Motion passed unanimously

4. RESOLUTION NO. 2016-02-17-B A RESOLUTION DESIGNATING AUTHORITY AND GIVING PERMISSION TO THE MAYOR , CITY MANAGER, AND POLICE CHIEF TO MAKE GENERAL POLICY CHANGES TO THE CITY’S POLICIES AND PROCEDURES MANUALS AND POLICE DEPARTMENT POLICY MANUAL

Mayor Chesnut asked Chief Ames to give a summary of the purpose of this proposal. Chief Ames said in talking with Mayor Chesnut and City Manager Dotson they discussed policy and thought it would be beneficial under some circumstances for the three of them to be able to modify some internal policies as administrators. Currently it is necessary to bring every little change to the City Council. In regard to the PD manual the laws change and are updated on the federal and state level and that impacts our policies. Also case law often becomes best practices for departments and policy needs to be amended. It is in interest of the City for administrators to make these kinds of changes and keep policies up do date. This would not involve anything that would affect the budget. That type of thing would always come to the City Council. Most policies are day-to-day operations that they oversee as administrators and this will streamline their ability to get the job done. Council Member Harris confirmed this is only for the PD and administrative things. City Manager Dotson said we find challenges within our policies and historically we have had to bring all this to the City Council no matter how minor. That is burdensome when we need to change a policy. He cited the recent example of the issue with SS#’s on the utility application. That was based on nothing in any Enoch ordinance and we changed it after discussion with staff regarding best practices. Little things come up that we need to change quickly and it would only be things that will not affect budget or ordinances.

There was brief discussion of the 600+ page PD policy manual and changes to that come as monthly updates to Chief Ames. As it stands now every change would have to be brought to the City Council. If there is no bearing on the budget or laws, staff should be able to make these changes for efficiency. Mayor Chesnut would always be involved. City Attorney Turner said if this involves written policy the City is held to a standard and legal counsel should review it too adding City Manager Dotson is good about doing that already. City Attorney Turner said if there are not to be any budget or ordinance changes that should be clearly stated in the resolution.

Council Member Johnson said he read the PD policy manual and if they have to go through the governing body that is fine. American government is supposed to be slow. Council Member Johnson said he would like to leave it as it is now. Council Member Owens said it is not the Council’s problem to fix policy when they don’t even understand how it works day to day. The Mayor Chesnut will oversee that part. The City Council defers to authorities who often know better and things could be simplified. Council Member Harris suggested the Council get a report on any changes made. That keeps it transparent but we have fluidity. If they see issues they can bring it as an agenda item for oversight quickly if the City Council is not in favor. Changes would be made by staff knowing it will be brought to their attention and also the City Attorney is in on it too.

There was more discussion of the process with Council Member Johnson maintaining the current approval method is best. Council Member Harris said he agrees if it was ordinance or budget related but not for the minutia of day-to-day office workings. City Attorney Turner suggested this be reworded to cover that changes would not involve ordinance or budget issues and we will delineate more what can be changed. Council Member Harris said two or more people would approve the changes and Mayor Chesnut would be involved. City Attorney Turner said it is common to allow staff to have the decision making for general policy changes for things they are assigned to do. Council Member Harris agreed said you have to empower employees to make decisions. This helps them do their jobs. City Attorney Turner said he respects Council Member Johnson’s views on this but considers it too burdensome especially for the PD. It could create liability if policies and procedures are not updated in a timely manner. He confirmed that on case law the PD can be sued based on that so it is advisable.

After more discussion it was decided the wording would be adjusted to further define what could be changed in policy matters. Also define that this would be done by two or more people so no one person is making changes. It will also be defined that this would not involve budgetary matters or ordinances.

Council Member Harris made a motion to table Resolution No. 2015-02-17-B for rewriting for the first meeting in March. Motion was seconded by Council Member Johnson and all voted in favor.

5. PLANNING COMMISSION RECOMMENDATION REGARDING CONDITIONAL USE PERMIT FOR A RESIDENTIAL UNIT IN A COMMERCIAL ZONE-Ben Anderson

Mayor Chesnut invited Ben Anderson to come up for questions asking him to tell them what he wants to do. Ben said he wanted to get a conditional use permit to build a studio apartment on his property by his workshop which is in a commercial zone. It was noted a residence is not a permitted use in that zone thereby requiring the conditional use permit. He said he brought this application to the Planning Commission and per the noticing requirements the adjacent property owners were notified with no response received back by the City Recorder. He said the Planning Commission had concerns that if he was given that permit it would allow him to do any type of building(s) on the lot. They sent an unfavorable recommendation to the City Council rather than approving the conditional use permit with restrictions or conditions. He said he is willing to have conditions and is willing to have any restrictions the City Council wants to set. He said he would like to build the studio apartment to bring in some income to defray costs from his shop.

Council Member Johnson said if no neighbors have any issues he should be allowed the requested use of his property. Council Member Owens asked if the conditional use permit is for the life of the home or attached to the land. City Manager Dotson said it stays with the land. City Attorney Turner added because it is a not a permitted use in this zone but is a conditional use, Utah law states as long as you can place conditions to satisfy the City you should do so and issue the permit. It is generally up to the Planning Commission to recommend the conditions but they did not in this case. Those conditions can limit many things to keep the requested use in line with the commercial zone. Council Member Owens said his concern is we are talking about adding a residential unit into a commercially zoned property. Why have zoning laws if anything is allowed?

Council Member Harris said the risk is all with the applicant. He understands that risk so there is less concern than if this were a commercial business in a residential zone where we are protecting the other residents. Ben said this unit will be only 500 sf and the tenant will be informed when renting that this is a commercial zone. There was brief discussion of other conditions and requirements that would be covered at the time the building permit is issued. It was noted a solid block wall is required between zones and Mr. Anderson has indicated he intends to install a vinyl fence so that will be dealt with also.

City Attorney Turner read State law on conditional uses 10-9a-507 saying “the use shall be approved if reasonable conditions are proposed or can be imposed to mitigate detrimental effect of use”. He said the City Council’s discretion is can we place the conditions so that this use does not negatively affect the commercial zone. If so, you must approve the permit adding conditions have to reasonable in a limited fashion so as not to infringe on the owner’s ability to use the property. What are the most reasonable and limited conditions to resolve the concerns?

Council Member Harris said he likes to let people do what they want with their land. If we restrict this to a small apartment and it is connected to the shop for utilities he is fine with approving it. After more discussion the Council Members concurred that the condition of limiting this application to one studio apartment would make this acceptable. The Planning Commission had expressed concerns about setting a precedent however Council Member Harris Council said he does not share that concern adding all situations are different. We don’t have to approve this use in other places. Mayor Chesnut recapped to say the property owner bears all the risk and the Council can deny, approve or approve with conditions.

Council Member Harris made a motion to approve the conditional use permit for Ben Anderson with the condition that the structure is only a 20’x25’ structure as presented. Motion was seconded by Council Member Johnson.

City Manager Dotson suggested the addition to the motion that this goes with the land and not Ben Anderson. **Council Member Harris amended the motion to say the land has the condition of allowing the structure to be only a 20’x25’ structure as presented. Council Member Johnson seconded the amended motion and all voted in favor.**

6. 2016-02-17 AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES, CHAPTER 13-242 AND 13-243 REGARDING DOG LICENSING

Mayor Chesnut asked Chief Ames to explain this. Chief Ames said we needed to find a more efficient way to administer the dog license ordinance. The current standard is dogs are licensed once per year in March regardless of when you get the dog. People are required to license dogs because of State law that says dogs have to have rabies vaccinations. This is a mechanism to track that vaccination. In this change to ordinance we are facilitating having the dog license expire when the rabies certificate expires. This would allow the resident to

purchase a one-year license or a three-year license if they wanted the convenience of that option. This makes more sense than having all dog licenses expire on March 31st of each year. We did purchase a machine to make our own dog tags and we will put the expiration date, license number and owner information on the tag. Chief Ames noted there are a few other changes to the ordinance to some terminology. The basic idea here is that typically a rabies license is good for three years so we want to offer a three year license for \$10 per year. We are streamlining this for residents too.

There was more discussion of why we are required to license dogs and what the fees we charge go to cover. It was noted this is not a revenue enhancing item and only covers the City's costs to administer the requirement. Chris Johnson, Animal Control Officer, said rabies is always fatal. We are proactive in keeping it out of the human population. Rabies is active in AZ and can easily encroach into Utah. She addressed why we charge more for dogs that are not spayed/neutered saying that intact males are responsible for most dog bites. We encourage people to spay and neuter which is the responsible thing to do with pet over-population. It keeps them out of the shelters and "kill" facilities noting Enoch has worked very hard to become a "no-kill" facility.

After more discussion it was clarified that a nominal fee is required to cover City costs. Mayor Chesnut argued his dogs never go outside so he should not have to pay. Chief Ames said Mayor Chesnut is the exception and not the rule. Most people don't come in willingly and do not license their dogs. Chris said we also have an interest in returning lost dogs to their owners. With our new tag system that will be much easier. We are changing our current ordinance to administer license requirements. Mayor Chesnut asked for a motion.

Council Member Harris made a motion to approve Ordinance No. 2016-02-17, an ordinance amending the Enoch City Code of Revised Ordinances, Chapter 13-242 and 13-243 regarding dog licensing. Motion was seconded by Council Member Owens and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Johnson-Yes	Council Member Owens-Yes
Motion passed unanimously	

7. 2016-02-17-C A RESOLUTION TO AMEND THE FEE SCHEDULE REGARDING DOG LICENSING

Mayor Chesnut said this is to amend the fee schedule to be in line with the change to the ordinance. Chief Ames said we charge \$10 per year for spayed/neutered dogs and \$35 for non-spayed/neutered animals. We are changing this to one dollar per month and three dollars to month for prorating to allow the license to have the same expiration date as the rabies vaccination. Council Member Harris said this is not a revenue generating issue. It takes City resources to do this adding this is a nominal charge and also costs go up every year. Chief Ames agreed we are covering costs to the City and making it more convenient for the residents. This fee has never been raised and is not being raised now. It is just restructured and will be facilitated with our own tag making machine. There was a brief discussion of other policies regarding impounded dogs. **Mayor Chesnut asked for motion. Council Member Harris made motion to adopt Resolution No. 2016092017-C, a resolution to amend the fee schedule regarding dog licensing. The motion was seconded by Council Member Stoor and a roll call vote was held as follows:**

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Johnson-Yes	Council Member Owens-Yes
Motion passed unanimously	

8. DISCUSS SNOW PLOWING POLICY AND RESIDENT PETITION TO CEASE PLOWING

Mayor Chesnut asked if any residents of this street are present and they were not. City Manager Dotson said we did not plow their road in the last storm because of their petition telling us not to plow. Two residents who did not sign petition complained. After discussion with the PD and the City Council it was decided it is not a good idea to suspend plowing at their request because emergency vehicles may not be able to get in. City Attorney Turner concurred it is liability. We will let them know their petition was read and considered but this is a public safety issue. Mayor Chesnut said when someone dies because EMS can't get in they would sue us. City Attorney Turner concurred there are a host of liability issues and it is our City property to maintain. No action was needed or taken.

9. DISCUSS AND TAKE ACTION REGARDING ENOCH 50TH ANNIVERSARY CELEBRATION

Mayor Chesnut said this year is the 50th year of the incorporation of Enoch City. He asked if the Council has any thoughts regarding activities for a recognition or celebration to note this event. City Manager Dotson said this occurred in January 1966. Council Member Owens said he is over the July 4th activities and could do something for this in conjunction. Also Iron Days in the fall are coming up and it could be acknowledged with that event. Mayor Chesnut said in his discussion with JD Price there are volunteers coming out to help. The City will provide the leadership but not necessarily finances. We are proud of our City and want to celebrate it. Council Member Owens said he would talk to JD more about this in EDC meeting tomorrow. Council Member Stoor said 50 years is a one-time event we should recognize our roots with some sort of party. He said he would like to know more about Enoch heritage and history. Julie gave some history of our paltry archive in the office saying she had thought about writing letters to ask older long-time residents for pictures we could have or copy. City Manager Dotson told about the website that has the history. City Manager Dotson said Iron Days has a specific goal in mind. The 50th anniversary is a one-time deal and we should keep it separate. Council Member Harris said finding time that does not conflict with busy summer schedules is a challenge. Combining it with a community event already planned helps with that and with the volunteer effort too as opposed to doing separate events. Both the 4th and Iron Days could use the theme of the 50th anniversary.

Council Member Johnson said as the Council knows he has discussed the proper role of government and that is not to entertain people. He read some quotes regarding that saying the City should not lead this. The people should do it themselves. Council Member Owens said volunteers are more productive historically when they have leadership. People look to elected officials to be leaders. If the City leads there is more accountability and a sense of identity for Enoch. Council Member Harris said we are all residents and in our position as leaders we can also approach plans as residents and not officials. Council Member Owens said that we decide the role of government. Mayor Chesnut said he will coordinate with the EDC and Council Member Owens and when there is something to report we will bring this back on an agenda for discuss and action if any is required.

10. PUBLIC COMMENTS

David Benkert Sr. said he welcomes Mayor Chesnut back from out of town. Talking about 50th anniversary of the founding of Enoch he suggested we go to the founders and get their ideas. Referring to the resolution to make policy changes he said he thinks that would undermine the authority of the City Council who represents all of the citizens of Enoch. He does not like anyone to have carte blanche to change things without running it by City Council. He added Mayor Chesnut is elected City Manager Dotson is not. He asked where the minutes are located saying he could not find them on the website. He thanked the City Council saying he appreciates them. Donna Pritchard said she listened to the recording of the last meeting on the website and had no trouble finding it.

11. CORRESPONDENCE-none

12. COUNCIL/STAFF REPORTS

Chief Ames said he wanted to remind the City Council about the pilot program the Enoch PD has participated in regarding the lethality protocols in domestic violence situations. He explained this is geared towards educating officers in determining danger and being able to tell victims about resources available to them. There has been good success with that and it will be implemented county wide soon. He noted there are many domestic violence incidents here. He said he was down south at the multi-gun championship saying Officer Jeremy Dunn has been instrumental in spearheading and organizing this event and it is the second largest of its kind in the nation. There is a perception that are all PD officers are crack shots but that is not so. There is growing interest in improving marksmanship in the ranks. He said he would like to make the Council aware the PD will be short staffed in the near future. He received Shawn Higgins and Mike Berg's resignations and their last day is February 26th. We have posted the full time positions and we are receiving applications. Other agencies will help with coverage until we hire replacements.

Dan Jessen said as a follow up to Chief Ames comments, the next couple of months will throw the PD salaries in the budget into chaos because we have to pay out vacation time and that shows as a liability on the books. There will also be extra overtime needed and we will be paying other agency's officers for shifts to cover the City.

City Manager Dotson reported we have talked about the pending groundwater management plan being developed for this area. In meeting with Conservancy District we reviewed the priority dates of water rights because some

rights will be invalidated. It appears priority dates from 1934 and younger will not be able to be used and that presents a challenge. We have had an offer from an individual to sell the City some rights. We will need to talk about this in Executive session so we can answer him on the offer. He said he used the Everbridge system to notify residents about the power outage scheduled for Tuesday at 2:00am. The system sent out phone calls and texts on Sunday evening and Monday evening. He has analytics of who got called and notified. There were 1277 notifications and most did not respond with a confirmation. Only 85 confirmed. It was interesting to test things when it was not a big emergency and he can see we have some gaps to bridge with public education about the system. He said the vacant Council seat names will be considered on March 2nd in the public meeting. The deadline is February 24th at closing time. The candidates will be interviewed in the meeting and Mayor Chesnut and he will structure that discussion and it will be on the agenda to vote on them. The person selected will take the seat immediately. He said he had been contacted by an MPA professor from BYU whose class is doing a project studying behavior in regard to water conservation in this valley. They will be working with us to develop the data. City Attorney Turner said he would make the changes to policy resolution for the next meeting.

Mayor Chesnut said he talked with Chief Ames about changes in the PD and ideas to try to make a better department. Good officers are looking for other opportunities and we will work to change that.

Council Member Johnson asked about policy issues and putting the recording on the website. City Manager Dotson said we record the meeting and have it available usually on the website shortly after the meeting ends. The recording is not the official version. The written minutes are the official version when approved by the City Council. City Manager Dotson he needs to catch up on posting the 2016 approved minutes.

Julie Watson told the audience that the minutes, when approved, are also posted on the Public Notice Website.

Council Member Stoor reported on the Tree Committee and recognized Jolene Lee in attendance at this meeting. Their next meeting will be on the 24th. Arbor Day is coming up and there is grant money to use. They are taking applications for two openings.

Council Member Owens reported they had a productive meeting on the July 4th committee. They decided to have a parade at 2pm and a car show timed so both Cedar and Enoch people can participate. They decided to hold only a 5K run and changed the route to end at the Old Enoch Park where the car show will be held. Hot dogs and activities will follow and they need volunteers. The next meeting is Feb. 26th at 6pm. He said the EDC networking night at the Hub will be Feb.25th at 6pm. The Business Fair will be on March 26th at 10am. He went to the Parowan EDC to see how they do it and they have the same concerns we do. Today was LEPC and City Manager Dotson was the speaker. He gave more details.

13. CLOSED EXECUTIVE SESSION REQUESTED-(Requires a roll call vote w 2/3 majority)

Mayor Chesnut asked for a motion to go into executive session for discussion of an offer from an individual to sell water rights to the City. **Council Member Harris made a motion to into executive session. Motion was seconded by Council Member Owens and a roll call vote was held as follows:**

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Johnson-Yes	Council Member Owens-Yes
Motion passed unanimously	

The regular meeting adjourned at 8:07pm.

14. ACTION FROM EXECUTIVE SESSION-

The City Council returned from executive session at 8:20pm. Mayor Chesnut recalled the regular meeting to order and entertained a motion to take action on the discussion. **Council Member Harris made a motion to decline the offer. Council Member Owens seconded the motion and all voted in favor.**

15. ADJOURN- Council Member Harris made a motion to adjourn the meeting. Motion was seconded by Council Member Owens and all voted in favor. The meeting ended at 8:25pm.

Julie Watson, Recorder

Date