

MINUTES
ENOCH CITY COUNCIL
January 19, 2022 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Richard Jensen
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.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Lindsay Hildebrand-Dep. Rec.

Public Present: Debra Ley

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00 pm.
 - a. **Pledge of Allegiance-**Led by Mayor Chesnut
 - b. **Invocation (2 min.)-**Audience invited to participate-Given by Council Member Harris
 - c. **Inspirational thought-**Given by Council Member Ross
 - d. **Approval of Agenda for January 19, 2022-Council Member Harris made a motion to approve the agenda. Motion was seconded Council Member Ross and all voted in favor.**
 - e. **Approval of Minutes for January 5, 2022-** Council Member Ross noted in item #5 that Council Member Stoor was present for the vote and voted yes. **Council Member Harris made a motion to approve the minutes with that change. Motion was seconded by Council Member Ross and all voted in favor.**
 - f. **Ratification of Expenditures-Council Member Harris made a motion to approve the ratification of the expenditures. Motion was seconded by Council Member Jensen and all voted in favor.**
 - g. **Conflict of Interest Declaration for this agenda-**none stated

2. PUBLIC COMMENTS-

Debra Ley asked about the agenda item from the last meeting on code violations for people living in trailers on someone else's lot. Mayor Chesnut clarified we were setting a fine of \$150 for the first violation. The discussion was for this one item only in order to add it to the SMOT list so the PD officers could issue citations if necessary.

3. CONSIDER LETTER OF CREDIT FROM UTAH HOUSING CORPORATION FOR EAGLE VALLEY ESTATES, PHASE 2

Mayor Chesnut asked City Manager Dotson to bring them up to speed as the packet material is not clear. City Manager Dotson said this is a sample of a Letter of Credit Request given to another city in Utah by the Utah Housing Corp as a guarantee of completion for a project they were doing in that city. Eagle Valley Estates, Phase 2 located behind Foster's Market is being sold. The new owner, Utah Housing Corp, wants to use method of guaranteeing completion of the subdivision. They are an entity created by the State Legislature to create affordable

housing. Utah Housing Corp. intends to build this subdivision of affordable homes. We require a “completion assurance” and this is their way of doing that. City Manager Dotson explained if a subdivision is not completed we fall back on the “completion assurance” to have the funds to finish the subdivision to Enoch City standards. Mayor Chesnut said this is an example of “self-insurance” essentially, which raises some questions. City Manager Dotson noted our City Attorney did not feel comfortable with this because it is self-insurance. They are a non-profit organization created by the State Legislature and funded by tax dollars which are allocated by the Legislature. The question arises if this entity were to be defunded while they are in mid-build then what happens? Because this is a different situation, our City Attorney wanted the City Council to approve this method of providing a completion assurance. We requested they go about it in the regular way and they wanted to do this instead. Council Member Harris said he knows of no examples of an entity like this defaulting. They would be considered low risk. He suggested we could require that we be put in first position on all obligations in case of default. We would take precedence over any other projects. Council Member Jensen noted this method saves them money and maybe it is not our obligation to save them money. City Manager Dotson noted we don’t waive impact fees for anyone and never have including projects by the Cedar Housing Corp. There have been no fee reductions for anyone because we need the money for the impact they cause. Although we never have waived fees in the past, this City Council could change that if they wanted to. It was noted if we can help with this moderate/low income housing that will benefit us regarding the General Plan requirements and the annual report we are required to submit on Moderate Income Housing. City Manager Dotson said this would be approximately a \$600,000 project. For completion assurance we require 125% of the engineers estimate. They put in infrastructure and we can give releases with progress. Mayor Chesnut cited issues with legal authority to sue them if they have immunity as a quasi-government agency. He said his concern is the last paragraph about insolvency. There was brief discussion of more issues and agreed more information was required to make a decision. The question on the table is do we allow them to self-insure or require them to go to a bank or other funding source for the completion assurance. They will get financing for the building. Mayor Chesnut said he questions this adding the examples don’t tell us anything. Mayor Chesnut said he would be more comfortable in a competitive market with requiring the traditional method of bonding rather than relying on the Legislature to keep them funded. Council Member Harris said he thinks this is low risk for us because the Legislature is so focused on affordable housing. We are pressured to support low and moderate income housing so this is a great opportunity for us to do our part. Council Member Harris said he agrees it is not our responsibility to take a risk to save them money and we need to understand our exposure. More information is needed for understanding the risks. Mayor Chesnut said the only thing we get for this risk is affordable housing and we do other things for that already. If they fail to complete the project then what do we do as a city. More information will be acquired and the item will come back on a future agenda. No action was taken.

**4. CONSIDER AMENDMENT OF ENOCH CITY PERSONNEL POLICY
MANUAL SECTIONS VII & VIII – Council Member Harris**

Council Member Harris said he conferred with Chief Ames on this item. Basically we are in the process of hiring more PD officers and it is not a “buyer’s market” for that now. If we want to attract qualified applicants we need to have more flexibility on compensation. One issue is they do not accrue vacation time or sick time until after the 90 day probation period. We are proposing that accrual to start immediately and not after probation. If they stay they get it anyway. If they leave after two months we are on the hook to pay out a little vacation pay but not sick pay. We need to sweeten the deal to make it more attractive to prospective employees. City Manager Dotson said we have people considering moving to Enoch from other organizations. They are already highly qualified. They are leaving a job where they have this benefit to come

here and start with nothing. We would like to be able to allow them to start to accrue leave time immediately otherwise it may be a deal breaker. City Manager Dotson said they are still on a probationary period but they will have the benefit of accruing more time off as an incentive to come to Enoch. There was more brief discussion. City Manager Dotson said this would be vested from the start of employment. City Manager Dotson gave more details of examples of how this would work. Mayor Chesnut said he likes the incentive and we would be unique with this; like a signing bonus. This is meant to attract long haul employees and does not affect anyone else at this time. Council Member Harris gave examples of employees being in the driver's seat these days. The market demands enhanced incentives to get law enforcement or any type of employees in every business. A chart of various statistics was shown. Council Member Harris explained it noting the stats directly impact our ability to hire and to get the services to people who work here. Housing demand is up 20% over 2020. There was more discussion of housing sales and issues. We will need to discuss wages across the board to retain qualified people. On the table tonight is the request for this change to be more competitive for hiring PD officers although we have to be more competitive across the board. We wanted the public discussion in the name of transparency regarding the budget impact which is minimal. City Manager Dotson gave more information on hiring people from other agencies who are already well qualified noting this is who we are talking about.

Council Member Harris made a motion to approve the change to the Enoch Personnel Policy Manual, Sections VII and VIII. The motion was seconded by Council Member Stoor and all voted in favor.

5. CITY COUNCIL ORIENTATION/STRATEGY SESSION-

Council Member Harris made a motion for a five minute break, The motion was seconded by Council Member Stoor and all voted in favor.

Open and public meetings training was given by City Manager Dotson.

He said we sometimes see people as obstacles especially in government. The relationship we build is the most important and transparency in our actions is essential. We are required by State law to give the Open and Public Meetings training to all elected officials and City Boards each year. The Legislature has declared that the business and actions taken are to be discussed openly in a public meeting. There has to be an anchor location or meeting place which is the Enoch City Office. Meetings can be electronic when necessary especially due to Covid. The definition of what constitutes a meeting and what is not a meeting was clarified. Chance encounters in other settings are not meetings. When three elected officials happen to be together in a non-meeting setting, no City business is to be discussed. A quorum is a simple majority; of three (3). Mayor Chesnut mentioned texting each other during a meeting. City Manager Dotson said you cannot text during the meeting because that is considered deliberating. Public noticing of meetings has to be posted at least with 24 hour notice. Once a year we have to notice the meeting schedule in a newspaper. All meetings are posted on the Utah Public Notice Website. Public Hearings are posted in more places with the requirement of posting in a City location of one notice per 2000 residents. Emergency meetings are different. A majority has to approve the meeting and we have to attempt to notify all board members. The minutes of the meetings are public record. The substance of all matters proposed is noted. Minutes do not have to be word for word. The recording is saved and posted on the website as are the approved minutes. The City Council is the only body who can hold a closed meeting. There has to be a quorum and requires approval with a 2/3 majority vote. The public has to know of any action take in the reconvening of the regular meeting after the closed meeting. There are only certain things that can be discussed in a closed meeting as noted in State Code. There is a recording of the closed meetings that can only be opened by a judge in a court of law. it. After the meeting the recording is placed in a sealed

envelope in a locked drawer. Members can be charged with a Class B misdemeanor for disclosing information from a public meeting. Disruptions of meetings can result in members of the public being removed by the PD if necessary. We also have Enoch City meeting procedures of order.

The remainder of the orientation proceeded without minutes being taken.

6. ADJOURN-The regular portion of the meeting ended at 6:48 pm.

Julie Watson, Recorder

Date

Meeting ID: 849 1380 3683