

MINUTES
ENOCH CITY COUNCIL
July 7, 2021 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris-Zoom
Council Member Jolene Lee
Council Member West Harris
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder-Zoom
Ashley Horton, Treas.-absent
J. Wayment, City Atty.
Hayden White, PW Dir.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief

Public Present: Richard Jensen, Joey Buckles, Megan Stead and Debra Ley

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00 pm.
 - a. **Pledge of Allegiance-**Led by Council Member Lee
 - b. **Invocation-**Audience invited to participate-Given by Council Member Lee
 - c. **Inspirational thought-**Given by Council Member Lee
 - d. **Approval of Agenda for July 7, 2021-Council Member Ross made a motion to approve the agenda. Motion was seconded by Council Member West Harris and all voted in favor.**
 - e. **Approval of Minutes for June 16, 2021-Council Member Ross made a motion to approve the minutes. Motion was seconded by Council Member West Harris and all voted in favor.**
 - f. **Ratification of Expenditures-**none
 - g. **Conflict of Interest Declaration for this agenda-**none stated

2. PUBLIC COMMENTS-

Debra Ley asked if it is possible the dumpster hours could be expanded. The current hours are a hard for time of day with the heat and many do their yard work in the cooler part of day. She said she would also like to see Saturday service also. *Mayor Chesnut asked if the public would be okay with a tax increase for this service. It all has costs. We have never had Saturday hours and there would be increased costs or fees for that. We are still trying to figure out what works and there is more discussion coming while we work out a better system.*

Joey Buckles asked the same thing. We need to offer morning hours to be more accommodating of people's work schedules. Many can't get there in the current hours. Later in the day after others work hours would be helpful also. *Mayor Chesnut said we are experimenting and trying to get non-Enoch residents educated to the fact they are not allowed to dump there. It is for Enoch residents only. Mayor Chesnut said he understands the inconvenience adding we are trying to work out something better and more accommodating.*

Richard Jensen said limiting trips and increasing hours are needed. He wanted to comment on the discussion from last time on RV's. He said he has been thinking about it and sees no reason why it should not be allowed. There are no good reasons why not. What is the problem? *Mayor Chesnut said the problem is it is becoming a more permanent practice and we don't want that to be a permanent thing. There will be more discussion later.* Richard said he sees no reason why not if RV's are allowed to be parked by people's homes anyway. If not a nuisance, then there

is no reason. *Debra Ley spoke up to say she is on the Planning Commission and the homeowner is responsible for anyone living on their property and it is on them for everything like utility hook ups. Most cities do not allow it but that doesn't mean Enoch shouldn't allow it. Knowing that and the situations we find ourselves in, it is hardships that are part of the issue and we considered that in making the recommendation.*

3. SET A PUBLIC HEARING FOR ASHDOWN/ROUNDY ANNEXATION FOR JULY 21, 2021

Council Member Ross made a motion to set a public hearing for 7-21-21 for the Ashdown/Roundy annexation. The motion was seconded by Council Member West Harris and all voted in favor.

4. CERTIFICATION OF GIBSON, SMITH AND ENOCH CITY ANNEXATION-

The City Recorder explained the Petition for Annexation meets all of the requirements so the noticing process begins now. No action was needed.

5. ORDINANCE NO. 2021-07-07-A AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 1.320 ACRES OF PROPERTY OWNED BY PETER AND MEGAN STEAD, PARCEL #A-0916-0002-0003 LOCATED ON HIGHWAY 91 FROM COMMUNITY COMMERCIAL C-C TO SINGLE FAMILY RESIDENTIAL R-1-18-Megan Stead

Megan came up to say this is her property and they want to build their home there. They want to be zoned Single Family Residential R-1-18 and not commercial. City Manager Dotson showed the map saying this lot is in Village Green Farms and is surrounded by other single family residential lots except on Hwy 91 where their lot is located. Just to the north of them is zoned commercial. It was noted the west side of the lot fronts on a dirt road in Village Green. Council Member Ross noted the Planning Commission sent a favorable recommendation. Mayor Chesnut asked for a motion.

Council Member Ross made a motion to approve Ordinance No. 2021-07-07-A, an ordinance amending the General Plan Land Use Map and the Enoch Zoning Ordinance Zoning Map by changing the zoning of approximately 1.320 acres of property owned by Peter and Megan Stead, Parcel #A-0916-0002-0003 located on Highway 91 from Community Commercial to Single Family Residential R-1-18. The motion was seconded by Council Member West Harris and a roll call vote was held as follows:

Council Member David Harris-Absent	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed

6. PUBLIC HEARING REGARDING VACATING PARCELS OF LAND INCLUDING STREETS & PUBLIC UTILITY EASEMENTS IN PARKVIEW SUBDIVISION, PHASES 4A, 4B AND 4C-City Manager Dotson

Mayor Chesnut asked City Manager Dotson about this. He explained this has been a ten year project at least to get Parkview Subdivision, since its failure, to return to "plain old land". He explained that all utilities and City infrastructure has been removed. He showed where the natural gas lines are located. The law states you can vacate and it has to be done by petition by the majority of landowners. The landowners and the utility companies are required to be noticed and that has been done. Everyone is good with it. He told about the roads. Everything will be vacated except for one road. He explained how things were when the subdivision was beginning to be developed. A couple of owners still have access next to the City's land and they can also

access on Half Mile Road. George Lutterman traded some land so all have access. The steps have been completed and now we need to have a public hearing and an ordinance to vacate. The ordinance is written per code. Mayor Chesnut asked for a motion to go into the public hearing.

Council Member West Harris made a motion to close the regular meeting go to the public hearing. Motion was seconded by Council Member Stoor and all voted in favor.

Mayor Chesnut invited public comments. There were none.

Council Member West Harris made motion to close the public hearing. Motion was seconded by Council Member Ross and all voted in favor.

7. ORDINANCE NO. 2021-07-07-B AN ORDINANCE APPROVING VACATING PARKVIEW SUBDIVISION, PHASES 4A, 4B, & 4C INCLUDING STREETS & PUBLIC UTILITY EASEMENTS

Mayor Chesnut asked for more discussion or motion.

Council Member Ross made motion to approve Ordinance No. 2021-07-07-B, an ordinance approving vacating Parkview Subdivision, Phases 4A, 4B & 4C including streets and public utility easements. The motion was seconded by Council Member West Harris and a roll call vote was held as follows:

Council Member David Harris-Absent	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed

8. CONSIDER RENAMING OLD ENOCH PARK TO ENOCH CITY HERITAGE PARK-City Manager Dotson

City Manager Dotson said he has a request from a family who donated land for the Old Enoch Park and they wanted the name "Heritage" included in the name of the park. Mayor Chesnut said he is fine with whatever we call it. People are used to Old Enoch Park and will call it whatever they think of. It was noted, we have been asked about the name change to Boebert Park instead of Liberty Park. Maybe we could use "Liberty" somewhere else. All agreed it would be appropriate to add "Heritage" to the name. Some original families in Enoch donated the land and that is the "heritage" part of it. Since all were amenable this will come back as a resolution next time. No action was taken.

9. CONSIDER CHAPTER 12-1100, SECTION 12-1107 RECREATIONAL VEHICLES/TRAVEL TRAILERS-TEMPORARY

City Manager Dotson said Council Member David Harris asked to be called to come in on Zoom for this discussion. We are still talking about it and no action will be taken on this tonight. There were concerns and it was decided it would be better to consider it again in this meeting. Mayor Chesnut said there was no form or substance given to administration to write an ordinance. We need to get a better idea from the City Council on how they want it changed or perhaps no change at all. Council Member Lee said she values all input and she made a list of her thoughts. She said she likes that we work together and the Planning Commission works hard on things which is appreciated. She said she still wants to be clear on what she expects and wants. We have made this too hard and she wanted to take that on. She would like a recommendation from our City Attorney to see how he feels about the difficulties of this. She has looked at other's ordinances and she proposes we do what Cedar City has done or similar. The public needs to have it clearly stated what the law is regarding living in RV's. We should not be heavy handed if someone breaks this law. We need to consider how to help them and an infraction is fine for disregarding whatever policy we set. There has not been one complaint that she knows of regarding people living in RV's. To have an ordinance on the books doesn't mean it has to be hard. It gives the City something to use to use as a tool if there is a problem. She added her

problem is the majority of residents want nice subdivisions with some regulations. They don't expect RV's parked all over with people living in them. This doesn't mean relatives can't come to visit and stay in their RV while visiting.

City Attorney Wayment said the City allows an RV to be occupied on land while building a home for one year. He said a Conditional Use Permit (CUP) becomes a permanent thing sometimes if a city fails to enforce it. If you find it acceptable for people to live in RVs while they are building a new home then a permitting process works. From a legal perspective if you require a process those who abide by the law will come in to get a permit. Those who are breaking a law now will not come in to get a permit until they are tagged and required to do so. People's personalities are what they are. He cited examples of law breaking like speeding being a chronic problem for some. Some will ignore the law no matter what we do here. You have to go out and notify them and say "you move or we are going to do this or that". Laws don't change behavior. If we say we don't permit trailers or RV's it will not stop it. Do we want a community where travel trailers are parked everywhere? From a law perspective you as a community have to decide how you want your community to look. We have to determine what the penalty will warrant if we want to pass an ordinance. There is nothing illegal about parking your own RV on your property. The State is all worried about housing and they would like this allowed. There is nothing to stop that but this will have a long term effect on the community if allowed. Is that what the City Council wants?

Mayor Chesnut said changing the law or making a law will not change the behavior. Enforcement of this is not different than any other law. We have to enforce it for RV's/trailers if we make a law. In Cedar City they wait for someone to complain if they live there longer than the year. They don't go looking for it but the permit for the building has to be renewed or end when the home is built. Do we hire more help for enforcement or put it on the PD. This will not fix your problem if you feel like you have one. If you want to enforce it, then pass a law. For the most part Cedar has enforced it and it is not a regular thing there. It occurs occasionally. The PD, Building Inspector or Zoning Administrator could be the ones to enforce it. The question is what you want your community to look like. He went on to say if I wanted to live somewhere, I would drive around and look at the area. He added there is the issue of property rights. You should be able to do with your property what you want to do. What will we as a City want or tolerate. He doesn't think it fixes anything confirming we have nothing now.

There was discussion of where an ordinance regarding RV's would be found. City Manager Dotson referred the Council to the Combined Ordinances found online that can be searched by keyword. It was noted that we now have a zone for transient RV use although no one has built a park yet. We have heard of some plans and added this zone to accommodate that use. There was more discussion of what is in the current RV park zone. It was noted RV's are not allowed in the permanent mobile home park where all trailers must be on a permanent foundation and other rules apply. There is no other zone that allows living in RV's on the property of others. Mayor Chesnut added if he had his mother living in his RV on his property instead of in his guest room, would anyone even know it? Mayor Chesnut said he sees no difference in storing an RV and someone living in it on your property. Developers could put that in their CC&R's that it is not allowed however now that is not in existence. If someone chooses to move there they lose that property right and City Attorney Wayment concurred. Mayor Chesnut asked what is the purpose of the question? All this process, Council Member Lee said, is because the Bauer's came in to ask the Council for hardship permission and we told them they could not do that. We are not letting them and yet we allow others to do it under the radar. If we have ordinances we should enforce them. It is not bad to have an ordinance and we need one to fall back on for a problem. We need one so if it becomes a problem there is an avenue to complain. We need the ability to control this because RVs are not meant to be lived in on a permanent basis. We need to be able to report something that is a problem and have backing for it. Council Member Lee said she proposes that

we copy Cedar City's ordinance adding she read in their ordinance that RV's can be stored but not occupied. City Attorney Wayment said one advantage of requiring a permit is the ability to say you are not in compliance. They need to come in to make it right and that is a reason to do this. The permitting is a "get out jail free card" because it gives them a chance to make it right and then they don't they get cited. Council Member Ross said in Planning Commission the discussion was about someone living in an RV by their neighbor's house due to hardship. They added set-backs to get the RV into the backyard in compliance like any accessory building. That was part of their solution for the aesthetics of it. They should meet set-backs like any guest home. If they meet set-backs and pour a pad, then they can do that to live in it. Council Member Ross said this discussion is not meeting in the middle. If the neighbor calls in to complain and they have met the conditions then there are no grounds for a complaint. The set-backs solve the "looks" of the neighborhood which was also considered for the cargo storage containers and accessory buildings. They decided the utility connections are up to the property owner. We found that connecting to the sewer has no regulations; not State, federal or health department. It is permitted. If trash piles up or other nuisance things occur then it falls under the nuisance ordinance to correct the issue.

Council Member Stoor said if we require set-backs then he can't park his RV where he wants on his own lot and he doesn't like that. City Attorney Wayment said nuisance ordinances are very arbitrary and you are almost too late considering this. What do you want to do to achieve uniformity? You can't rely on the nuisance ordinance to solve problems. It does not work well and is a last line of defense. Mayor Chesnut said we are talking about property rights and where do we draw the line with government telling you what to do with your property. City Attorney Wayment said you, as the City Council, have to make up your mind how you want your City to look.

Council Member West Harris said we have to address the actual problem. Council Member Lee said there is no law. Council Member Ross gave an example of someone who abused the situation and there was nothing they could do because there was no ordinance. Council Member Ross said if they live in an RV/trailer/storage container or whatever that is not permanent, they should meet set-backs like an accessory building or guest house. City Attorney Wayment said the Legislature passed an ordinance that cities can allow more density but not change the look of the outside of the neighborhood. That would actually mandate set-backs to do that to live in RV's. City Attorney Wayment said it is all aesthetics and how you want your community to look. There may come a time that if everyone has a trailer stored by the side of the home and it won't look good. Mayor Chesnut said if everyone has an RV then that is the aesthetic of the neighborhood. If you don't like that, then move in where it is not allowed. If you live in the RV, treat it as a guest home residence otherwise it is considered as being stored as many people do. Mayor Chesnut said there is still the question as to the basis for criminal charges. Government should not give neighbors one more cudgel to beat their neighbors with. We need to be mindful of government intrusion into private property rights. It comes with the fact that some people will never like what we do. We would love to pass ordinances for keeping nice yards but that is not the place of government and that means enforcement. Do we want to do this? It is a balancing act to decide what the least restrictive way to address the real problem. Council Member Stoor said the issue is not what is in the driveway by the home. Mayor Chesnut said we asked the City Council to send emails with suggestions and there were none after the last meeting. Council Member David Harris said he has been listening and has thoughts about this. He said he was on the Planning Commission for about ten years before coming on the City Council. In his mind a city exists for providing services to the residents and for zoning and planning. It is the expectation that laws will be at least to some degree regulated by the city and is an obligation that we enforce what is in the Code. We talk about aesthetics and they chose what they wanted and that was planned. This does things that are contrary for the reason for a city to

exist and his opinion is he is okay with issuing a permit for a year no matter the reason. There are conditions with the permit and other than that he is opposed to living in an RV except for temporary visiting relatives. It creates issues like sex offenders living in the neighborhood with no address or mailbox. They want things enforced and that is his opinion after 16 years of experience and what he has seen. He is fine to commit City resources to enforce because it is not a huge, huge issue. We can put a monetary penalty for violation. Not jail, but a fine for living in an RV/trailer without a CUP which will be the permit that includes regulations. Regulate it to that degree. Enforcement comes when complaints are made. Cedar City is allowing it for new construction or not at all. He is okay to allow it for any circumstance for a year. We can't regulate individual's financial information so it does not need to matter on the reason. He is willing to make that concession. What is proposed by the Planning Commission is fine and is better than nothing. Mayor Chesnut asked the Council again to send other suggestions so staff has some guidance to write an ordinance. No action was taken.

10. RESOLUTION NO. 2021-07-07 A RESOLUTION TO AUTHORIZE CITY ADMINISTRATORS TO ACCESS FEDERAL GOVERNMENT WEBSITES ON BEHALF OF ENOCH CITY

City Manager Dotson said in order for the City to be able to access federal funds from the various federal legislation that has been passed to provide money to cities due to Covid, we have to be able to go onto their websites to apply for the funding. We have been doing this for years and have the accounts but now they want the governing body to give permission to administrators to do this. It is a safety net against fraud. We do not have the format for the letter at this time. The Council will sign saying they give permission so tonight we will ask to pass the resolution and then the letter will come later.

Council Member West Harris made a motion to approve Resolution No. 2021-07-07, a resolution to authorize City Administrators to access Federal Government websites on behalf of Enoch City. The motion was seconded by Council Member Ross and all voted in favor.

11. COUNCIL/STAFF REPORTS

Hayden White reported the secondary water is connected to the school. They had some problems with a part on the new well across I-15 and it is solved. The early part of the week especially Tuesdays, residents used lots of water and the tanks got low. The dumpster is an issue. On average there are 24 per day and today there was 40-50. We need a better system; maybe charging a fee or something. It is also very time consuming for staff in the office to issue the passes. One idea is give them a laminated card so we know they are a resident and show that with ID so they can't give their card to a friend. Different ideas were discussed and a change will be tried. Anything costs money but pulling the dumpsters every day is very costly too. Adding more hours or a morning time was also discussed and we will try things until we get a satisfactory solution. We have a record and it shows repeat customers. Hayden said he has names but has not had time to analyze it to see the repeat customers. Council Member Ross said she would like to see the numbers and if it is the same people over and over then we don't want to charge all. Hours are always an issue but we have never been open on Saturdays except for special cleanups. Council Member Lee proposed we increase the trash fee by \$1 to cover these costs. Mayor Chesnut said if you don't cover your costs of the business you are not running a business. There was more discussion of fees but no decisions. City Manager Dotson said one other option is to create a transfer station. Kanarrville and Paragonah do that. We could see what the cost would be for that. An increase across the board for everyone is not fair either because a lot of residents never use the service. Now we charge it in a refuse fee but don't cover costs. Hayden said he will try whatever the Council wants him to try. City Manager Dotson told about fees on the bill. The

landfill fee is \$4 per month and is a pass through fee that we are charged. A transfer station would cause a fee to all and there is no solution that doesn't cost and would be unfair to many residents who don't need this extra service. Council Member Ross said she likes ID and a card so the repeat users don't have to keep coming in and using staff time and is not too expensive. A three-month card was suggested. Then those who use it get the card and others don't pay extra for it. It was decided to try one morning shift. Mayor Chesnut said his frustration is no one wants to pay for the services they receive. They had a fit when we needed more PD officers but complain about crime.

Chief Ames reported the PD had a very quiet weekend with no fireworks calls, no fires and he was surprised. They have had a string of vehicle burglaries and guns stolen. This is a reminder to lock your doors and cars. The cars burglarized were unlocked. Kids are more active and out later. They had a group go knock over all the orange cones at the roundabout. They had a little graffiti at a park and vents into the water tanks were tampered with. They busted some of those people. Devon is back from his tour of duty and is working again. He reported they have some trainings coming up.

City Manager Dotson said there are new subdivisions coming. Settlers Square, Phase 2 has been through the final review and is ready to start building. Every lot is sold. Lots of building permits are being turned in. Eagle Valley Estates, Phase 2 started construction. The preliminary plat is being reviewed for the subdivision across the street. He recapped all of the new developments. He told about a good well on a farm that may be coming soon. Mayor Chesnut said if a developer brings the water source they need to get credit against impact fees. They could build that into the cost. To get a well with a development would work very well for all. There was a discussion of wells and the grades of wells etc. City Manager Dotson said he is working with Paul Monroe to get an appraisal system and how to depreciate a well. The roundabout detour may be over by next week. City Manager Dotson introduced Lindsay Hildebrand who started on the 1st training as the Deputy Recorder to take Julie's place when she retires.

Mayor Chesnut said he had a conversation with a mother in our community who wanted to start raising money to memorialize lost children. Maybe trees could be planted in a park so he referred that to the Tree Committee and Council Member Stoor. He did not say no but referred her to Council Member Stoor so we may be expecting something on that. The Wings of Death turned out well at the 4th. He told about it and who won. The Enoch Orchestra was great. He appreciated all the help. We had lots of sponsors and raised nearly \$2000 and got shirts for everyone. We gave away 386 hot dogs. Fosters donated all the food and we thank them for their community support. Council Member David Harris is doing a cost/benefit analysis for secondary water to see if installing it will be beneficial or not for the City to do it.

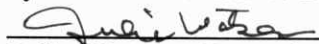
Council Member Ross thanked all for their help at the 4th with kids games etc. Ashley did a ton of things. She reported she will miss Planning Commission next time due to being out of town.

Council Member West Harris said the EDC talked about the new doctor leasing in the HUB building. The EDC is a talented group and they are wonderful at helping people to move into Enoch to start businesses.

Council Member Stoor they will be meeting about the trail system. He said he hopes all take the discussion and disagreement about issues in the right spirit and hope it all works out.

Mayor Chesnut said our City Council functions very well and it is great to have discussions and even disagree about things. We don't take it personally.

14. ADJOURN- Council Member Ross made a motion to adjourn. Motion was seconded by Council Member West Harris and all voted in favor. The meeting ended at 9:00 p


Julie Watson, Recorder

7-21-21
Date

Meeting ID: 858 3054 5541