

MINUTES
ENOCH CITY COUNCIL
June 1, 2022 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road
Join Zoom Meeting
<https://us02web.zoom.us/j/84189514043>
Meeting ID: 841 8951 4043

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, Treasurer
J. Wayment, City Attorney
Hayden White, Public Works Director
Robert Dotson, City Manager -Zoom
Jackson Ames, PD Chief
Lindsay Hildebrand, Dep. Recorder

Public Present: Holly Haymond on Zoom, Delaine Finlay, Julie Jensen, Keith Maloney and Megan Stead

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00 pm.
 - a. **Pledge of Allegiance-**Led by Hayden White
 - b. **Invocation (2 min.)-**Audience invited to participate-Given by Council Member David Harris
 - c. **Inspirational thought-**Given by Council Member Jensen
 - d. **Approval of Agenda for June 1, 2022-Council Member David 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 May 18, 2022-Council Member Jensen questioned #18 regarding the closed meeting, action and vote? Mayor Chesnut said it was only for instruction. At the end of # 4 he said he objected for inclusion of the dump in the budget discussion as he needed clarification and asked that the wording be revised. Council Member David Harris made a motion to approve the minutes with the changes. 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**

Delaine Finlay said she is concerned with talk of raising tax rates. She looked and from in 2012 until last year her property tax doubled 100%. Mayor Chesnut said for Enoch we increased taxes for the first time in 2018 for the PD officers only. She said Enoch gets 30% increase for her taxes. The point is with inflation expenses go up and so does the money you get. Council Member David Harris explained how the county values property. That does not mean we increased our rate. There was more explanation of how it works on the percentages and as home values go up there is appreciation for all sides. She wants that taken into consideration in the budget talks. Mayor Chesnut said the dilemma is how you deal with that for community expectations for services needed. She said her other concern is the dump and the consideration of that and wondering if the PD or someone could be there on Saturdays for those who work.

Julie Jensen said she appreciates fiscal responsibility and regarding the dump she asked if it is it a necessary service that should be provided. Those who use it should pay the fee. Her neighbor should not have to pay for her convenience or for a few who use it. She cited changes for a small number of only 1000 who have gotten passes to use occasionally. If this is not a viable part of the city organization you should not take money from others who don't use it.

Spencer Jones said he appreciates the dump situation also. He cited the past when things were very messy around town and illegal dumping was rampant on his family's property. When the dump started there was a considerable decrease in illegal dumping. He said he knows this is a hard position to be in for the City. If it is not a free service people will dump illegally.

3. PUBLIC HEARING FOR THE 2022-2023 FINAL BUDGET AND CERTIFIED TAX RATE APPROVAL

Council Member David Harris made a motion to close the regular meeting and go into a public hearing on the 2022-2023 final budget and certified tax rate approval. The motion was seconded by Council Member West Harris and all voted in favor.

Mayor Chesnut invited public comments only on the budget which has been posted.

Julie Jensen asked if this will pass the dump fee. It was noted that is included in the budget.

Spencer Jones asked if property owners in the county could use the dump again if we charge a fee. It is harder to use now. Mayor Chesnut explained the reasons for the changes like people from all over the county using it. If there is a flat fee per dump use charged, then we could consider letting others use it. Mayor Chesnut said it can be discussed.

No other comments.

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

4. CONSIDER RESOLUTION NO. 2022-06-01 A RESOLUTION ADOPTING A CERTIFIED PROPERTY TAX RATE AND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30th, 2023

Council Member David Harris said he has thoughts on the dump. He was vocal to keep it for same reasons of illegal dumping. It is not bad to charge the whole city because all benefit for that reason. However as he looked at the budget it is really tight and there are other need for which fees will need to be increased. The combination of all may too much. He hates to see this service go but maybe we can't do this with the dump because of cost and other fees going up. Including others outside of Enoch to pay a fee per dump use would be okay but with having to buy equipment that will not cover it. If we commit to buy a truck and dumpsters and then people won't pay the fee we are stuck with the equipment. Mayor Chesnut suggested we slow down and see how it goes before we commit to buy anything. Hayden said it was very busy today and will go on that way through the summer. Most people use it this time of year. Council Member David Harris said he is reluctant because of other fees needing increasing also. This is not an essential service. Ashley said she budgeted \$3 for all residents in this budget. We had talked about a pass with maybe \$5 per dumping charged. 1/3 of the City residents use this service at approximately 1000 passes given out however it is periodical use. Council Member David Harris said we need to be sensitive to other areas that need fee increases. Ashley suggested we could leave the budget as is, pass it but not start charging the \$3 right now and don't purchase the equipment to see how it goes. There was more discussion of the truck and roll-offs we need to purchase and the employee cost to man it. Figuring a dump fee did not even cover half the costs, Ashley said. There was more discussion of cost per dump and if we could expand the use to take construction waste such as carpeting. Hayden said right now we don't take carpet and we found some dumped illegally in the Ravine after turning someone away from the dump. We are prevented by landfill charges if we take construction waste. If we pay landfill fees, we can dump that stuff but how much will people

pay? There was more discussion of illegal dumping and the costs of that. The other side is less efficient and more costly to involve the PD to investigate etc. Mayor Chesnut said we can pass the resolution as is but we will not stop tweaking this thing. This is fee not a tax. We can come back more easily on a fee to change that if needed. There were more questions and discussion of costs to provide this service. There are other solutions so we can pass the budget and not institute the fee right now. We will have more discussion as we try it out for the summer. Council Member Jensen said his objection to the \$3 fee is we charge others who don't use a non-vital service. We need to find another way to pay for it. With rights comes responsibility for this also, he added. Mayor Chesnut said this is being proactive vs being reactive when something happens. We have to find out by charging a fee to see if they will pay it or not. It is fine to pass this resolution but readdress it and not implement the fee right now. Mayor Chesnut asked for motion.

Council Member David Harris made a motion to approve Resolution No. 2022-06-01, a resolution adopting a certified tax rate and budget for the fiscal year ending June 30th, 2023 as written with not implementing the dump fee included in the budget. The motion was seconded by Council Member Jensen and roll call vote was held as follows:

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| Council Member Ross: Yea | Council Member D. Harris: Yea |
| Council Member W. Harris: Yea | Council Member Jensen: Yea |
| Council Member Stoor: Yea | |

5. OPEN THE BUDGET FOR 2021-2022 TO MAKE YEAR END ADJUSTMENTS AND SET A PUBLIC HEARING FOR JUNE 15, 2022

Council Member David Harris made motion to open the 2021-2022 budget for year-end adjustments and set a public hearing for June 15, 2022. The motion was seconded by Council Member West Harris and all voted in favor.

Treasurer Ashley Horton gave some details of pending budget adjustments and reasons for the needed adjustments. She noted one of the biggest issues was increased fuel costs for most departments. See budget posted.

6. CONSIDER IRRIGATION LETTER AGREEMENT WITH KEITH MALONEY

Keith Maloney came up and Mayor Chesnut said he was on the phone for this discussion with Keith. Keith explained about the Grimshaw well and they he paid the power bill for 20 years. Then Grimshaw's sold the well to the City and the unexpected changes came. He now gets 1/3 less water and the bill has more than doubled. Mayor Chesnut asked what he wants the City Council to do. Keith asked for a lower rate due to special circumstances that resulted from the City getting the well and making it a culinary well. He didn't expect this big a hit and less water which is now double what he was paying in the past. He did note that if it doesn't make sense to farm anymore then he will stop. He noted AG rates are usually better than other rates. City Manager Dotson who was not in attendance had made some suggestions in their meeting in the office. He said the rates discussed are not in the fee structure now. Mayor Chesnut explained administrative staff did not want to act on doing something unilaterally and so brought this for the agenda for the City Council to consider. Can we work something out and if so it needs the blessing of the City Council. Keith confirmed he is on the secondary system and not culinary water. Mayor Chesnut said we want farmers to farm and not impact the culinary system and we encourage a partnership. They will run some numbers and bring it back. There was more discussion of some details and confirmed this will be brought back for consideration and approval of the City Council. No action was taken.

7. SET A PUBLIC HEARING FOR ANNEXATION OF PROPERTY OWNED BY ROMNEY/JUDD – PARCEL #D-0573-0000-0000 FOR JUNE 15, 2022

Council Member David Harris made a motion to set a public hearing for June 15, 2022 for the annexation of property owned by Romney-Judd, Parcel #D-0573-0000-0000. The motion was seconded by Council Member Ross and all voted in favor.

8. CONSIDER VACATING A PORTION OF VILLAGE GREEN SUBDIVISION AND SET A PUBLIC HEARING FOR JUNE 15, 2022. – Megan Stead

Megan Stead came up to explain what they want to do and concurrent procedures that are running and will adjust boundary lines within this property and a pending zone change. She explained the previous changes for zoning for things they wanted to do that turned out to prohibitively expensive. Now they are planning an RVP on one plus acre and ¼ acre lot for their home. With the way it is they have to vacate from the Village Green Subdivision first and then do the other processes. A public hearing is required to vacate.

Council Member David Harris made motion to set a public hearing for June 15, 2022 for the plat vacation of the Stead property from the Village Green Subdivision. The motion was seconded by Council Member Jensen and all voted in favor.

9. CONSIDER RESOLUTION NO. 2022-05-18-D A RESOLUTION TO APPROVE THE SOLID WASTE AGREEMENT WITH KANARRAVILLE

Mayor Chesnut said he rewrote these agreements and gave details to clarify that should the City need to increase rates for cause they can do so with notice to the customer and the customer has the right to cancel if they want to. We don't have to eat any increased costs for the duration of the contract as it was written previously.

Council Member David Harris made a motion to approve Resolution No. 2022-05-18-D, a resolution to approve the Solid Waste Agreement with Kanarraville. The motion was seconded by Council Member Jensen and a roll call vote was held as follows:

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| Council Member Ross: Yea | Council Member D. Harris: Yea |
| Council Member W. Harris: Yea | Council Member Jensen: Yea |
| Council Member Stoor: Yea | |

10. CONSIDER RESOLUTION NO. 2022-05-18-E A RESOLUTION TO APPROVE THE SOLID WASTE AGREEMENT WITH PARAGONAH

Council Member David Harris made a motion to approve Resolution No. 2022-05-18-D, a resolution to approve the Solid Waste Agreement with Paragonah. The motion was seconded by Council Member Jensen and a roll call vote was held as follows:

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|-------------------------------|-------------------------------|
| Council Member Ross: Yea | Council Member D. Harris: Yea |
| Council Member W. Harris: Yea | Council Member Jensen: Yea |
| Council Member Stoor: Yea | |

11. CONSIDER ORDINANCE NO. 2022-05-18-B AN ORDINANCE AMENDING THE ENOCH CITY ORDINANCE, SECTION 12.2600 MAJOR SUBDIVISIONS, ITEM C. #3 ADDING RETENTION BASINS

It was noted the original wording from the first discussion is what is shown in the packet. Mayor Chesnut said new wording was emailed but no one said they received the new email. Mayor Chesnut said there were many opinions but no suggestions were sent to City Manager Dotson for the rewrite as he requested.

Council Member Jensen made a motion to table Ordinance No. 2022-05-18-B until 6-15-22. The motion was seconded by Council Member Stoor and all voted in favor.

12. DISCUSS PLANNING COMMISSION AND WATER BOARD RECOMMENDATIONS REGARDING NEW ORDINANCE, WATER

**ACQUISITION, CONSERVATION TIER STRUCTURE, AND WATER UNITS-
No action required-discussion only**

Mayor Chesnut gave some context saying this came from the Water Board through the Planning Commission with the bulk of the work done in the Water Board. Council Member Ross discussed the votes from Planning Commission and their opinions. Council Member David Harris recapped saying this is meant to stretch existing water rights further so as not to hinder building. There were different proposals with no agreement on everything proposed. Regarding the taking of fees in lieu of the full Acre Foot (AF) of water it was noted Cedar City's policy of requiring fees only for water has gotten them into trouble. In the case of "one-off" situations, that may be more acceptable but not for an entire development. Any fees would be segregated in the water budget to acquire water for the City. Also the proposal to give the City a junior right with a fee was fine with the Water Board. The third concept proposed is the idea of water conservation units. An example is taking out lawn and then going to lower rate tier for expecting to use less water. Part of this could include selling and transferring a portion of a water right to another's property to access the water. You agree to a tier and if water usage is exceeded then you pay dearly. That one had mixed acceptance for reasons of committing to a tier for a lot and then someone else buys it and wants something different. The conservation tier runs with the property for sale and will be noted in the sale documents. It does not accomplish conservation but is meant to spread what we have over more lots. Mayor Chesnut explained conservation tiers saying less water is being required. If there is an AF with a lot, a portion of it could be transferred to a different lot. Every lot has an AF of water and all of that water is not used in most cases. There were concerns with billing and tracking but noted that could be managed. The conditions would be documented in the sale. The Water Board did not love this aspect. There was brief discussion of the Groundwater Management Plan (GMP) and the pending suspension of younger rights in 15 years. That is the reason for the 1934 or older requirement.

Mayor Chesnut said the acquisition fee proposal is fraught with problems and the old policy serves us well. There are only so many 1934 rights but we also have to advocate for property rights. Balance is the key. In allowing for development residents volunteer to go to a conservation tier and sell a portion of their right. Whole subdivisions could be developed as a single conservation tier for the neighborhood and lots are xeriscaped and committed to the conservation tier. He noted he is opposed to a flat acquisition fee for water from a developer. Council Member David Harris said presently we have no way to buy into the West Desert water when it comes. We need the fees we will be able to save to access that water in the future. Many make a living in the construction industry. We can tell people they can't use their land or we can modify the policy to accommodate some of these circumstances. Council Member David Harris said this is the new "prairie dog" issue which nearly stopped development in the past. We need to get creative to be able to use the existing water. There was more discussion and noted we could make a strict policy for the "one-off" fee which will not be a common thing and not for developers. Council Member Ross suggested going through each question as the other boards did and voting. She led off with the questions.

#1 Do you agree with accepting younger (junior) rights with dates after July 1934 with the associated fee as proposed in the draft ordinance?

Council Member David Harris -yes

Council Member Jensen-yes with conditions

Council Member Ross- yes

Council Member Stoor-yes

Council Member W. Harris-yes

#2 Do you agree with the use of a water right with a fee and no water rights being given to the City.

Council Member David Harris –yes, with limited circumstances
Council Member Jensen -no, even on one-offs
Council Member Ross- no
Council Member Stoor-no
Council Member W. Harris-no

***Holly Haymond, who is trying to build a home in Village Green, cited their circumstances saying they have a junior right and dug their foundation because they didn't know about the 1934 rule. They have a 1944 right and began the building process. No one is selling older rights no except one seller who is selling a block of rights which is not doable. They called 30 people trying to buy a 1934 right. If the City allowed for a fee with the 1944 right they could proceed. They need a work around to complete their home.

#3 Do you agree with the acquisition fee as proposed?

Council Member David Harris -yes
Council Member Jensen-yes
Council Member Ross- yes with the added expiration date
Council Member Stoor -yes
Council Member W. Harris-yes

#4 Do you agree with exemptions for water acquisition for nominally irrigated areas and not subject to an acquisition fee if it requires “x” amount of water for nominally irrigated areas such as planting strips with gravel, trees and shrubs? (Public or decorative areas)

Council Member David Harris-no, but get creative for this use
Council Member Jensen-no
Council Member Ross- no
Council Member W. Harris- no
Council Member Stoor- no

#5-Do you agree with open space exemptions defined as no rights required?

All-Yes- with conditions-Need more information from City Manager Dotson.
Mayor Chesnut said “City owned” or not, is the key word.

#6 Do you agree with public lands and City exemptions for water rights?

All-Yes-with conditions- If private no; if public -yes

#7 Do you agree with a conservation tier system?

Council Member David Harris -yes
Council Member Jensen-yes
Council Member Ross-yes
Council Member W. Harris-yes
Council Member Stoor-yes

#8 (*7b) Do you agree with a water right “unit” principle for a lot with a water “unit” assigned to that lot and the ability to transfer units to other lots in City? (*7b-numbered wrong)

Council Member David Harris -yes
Council Member Jensen-no, too complex and cumbersome
Council Member Ross –no, but revisit later and decrease complexity
Council Member West-no, but maybe for future
Council Member Stoor-yes, too complex but good intentions to use less and sell to others

#9 Do you agree with water unit transfers as with an agreement between two property owners to change the tiers and assignment of rights?

Council Member David Harris –yes, if recorded properly

Council Member Ross-yes

Council Member Jensen-yes

Council Member W. Harris-yes

Council Member Stoor-Yes

No other action was taken. Language will be refined; questions answered and item will come back in ordinance form for a vote.

13. COUNCIL/STAFF REPORT

Hayden White reported on progress on the Grimshaw well saying they are on the waiting list for concrete. The various ponds ready to take water and he gave details of the different ponds. He said we sent a letter to Settlers Square residents to tell people to stop overwatering and letting water run down the gutter so the pond will dry so they can finish it. He said there have been serious issues with the 2 inch meters not reading so now that is fixed it will help with revenue. They are busy as normal. Council Member Ross asked about the road signs still missing. Some signs were knocked out by construction and need to be fixed referring to her street. Hayden said he would check on the backordered signs.

Council Member Ross reported the Planning Commission working on the General Plan (GP). They are going through it without hiring an outside firm for help as Cedar City did. Her question is does the City Council have a time limit to set for them to complete the work. She gave a brief explanation of the purpose of the GP. It is a guide line to follow for future planning, development etc. They are taking it a chapter at a time to adjust if needed. Also they have a public hearing on the zone change for the RVP for the Stead's coming up.

Council Member West Harris said the EDC will not meet this week.

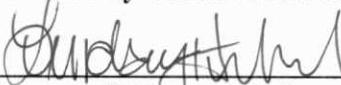
Council Member David Harris said the 4th of July is coming up and needs input on what we want to do and who will be in town for the event. What do they want for 4th? Bubble machine? Mayor Chesnut said that was a huge thing for the kids. Ashley said she has one but it is not working. Mayor Chesnut said he will start fund raising for the events. Council Member David Harris will do the "disgusting vegetables" again for the kids. Council Member Ross said the Enoch Orchestra was nice to have. Mayor Chesnut said he will coordinate the Wings of Death and will email ideas to the City Council.

Council Member Jensen commented that he is still on the ballot for the School Board but he is not actively running. He is on there in case the other candidate does not follow through.

Council Member Stoor told about the National Day of Service in Sept. asking if the City has any projects to do that they get them on the Justserve.org website.

Mayor Chesnut told about a field trip giving details of Tyner's project out by the Animal Shelter. There event is Saturday June 11th for the tree planting and asked if any City Council members could attend as they requested we attend.

16. ADJOURN- Council Member David Harris made a motion to adjourn. Motion was seconded by Council Member Ross. The meeting ended at 9:10 pm.


Lindsay Hildebrand, Deputy Recorder

6/15/2022

Date

Meeting ID: 841 8951 4043