

MINUTES
ENOCH CITY COUNCIL
March 15, 2023 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-Excused
Council Member West Harris
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Robert Dotson, City Manager
Ashley Horton, Treasurer
Justin Wayment, City Attorney
Hayden White, Public Works Director
Lindsay Hildebrand, City Recorder
Jackson Ames, PD Chief

Public Present: Bryce Poulson, Aubrey DeMille, Ezekiel DeMille, Susan Carter, Brent Carter, Delaine Finlay, Mike Mestas

1. CALL TO ORDER OF REGULAR COUNCIL MEETING

- a. **Pledge of Allegiance-** Led by Ashley Horton
- b. **Invocation (2 min.)-Audience invited to participate-** Given by Council Member D. Harris
- c. **Inspirational thought-** Given by Council Member Ross
- d. **Approval of Agenda for March 15, 2023- Council Member D. Harris made a motion to approve the agenda. Council Member W. Harris seconded and all voted in favor.**
- e. **Approval of Minutes for March 1, 2023- Council Member D. Harris made a motion to approve the agenda. Council Member Ross seconded and all voted in favor.**
- f. **Ratification of Expenditures- Council Member D. Harris made a motion to ratify the expenditures. Council Member W. Harris seconded and all voted in favor.**
- g. **Conflict of Interest Declaration for this agenda-** None stated

2. PUBLIC COMMENTS

There were no public comments.

3. CONSIDER ORDINANCE NO. 2023-03-15-A AN ORDINANCE TO APPROVE THE AMENDED PLAT OF LOT 5, BLOCK 1, VILLAGE GREEN FARMS & KIDMAN MINOR LOT SUBDIVISION.

Council Member Ross said this came forward from the Planning Commission with a favorable recommendation. Brad Kidman owns lot 5 and wants to split it into two lots.

Council Room Member D. Harris made a motion to approve Ordinance No. 2023-03-15-A an ordinance to approve the amended plat of Lot 5, Block 1, Village Green Farms & Kidman Minor Lot Subdivision. Council Member W. Harris seconded and a roll call vote was held as follows:

Council Member Ross: Yea

Council Member D. Harris: Yea

Council Member Jensen: Absent

Council Member W. Harris: Yea

Council Member Stoor: Yea

4. CONSIDER ORDINANCE NO. 2023-03-15-B AN ORDINANCE AMENDING ENOCH CITY ORDINANCE 9.400.412 LICENSE APPLICATION – Proximity of beer sales to a church

City Manager Dotson said Mr. Crumley was on Zoom. He realized the code said the application cannot be granted if they are within 300 feet of any church or school. Staff was tasked with simply following state code regarding the sale of beer. So, we took out B and C. Council Member D. Harris said this is good because if the state code changes, we won't ever be out of compliance. City Manager Dotson said our interpretation of the state code in this specific application differs. Two pieces of the state code relate to distance. One requires a distance of 600 feet from the entry door of the community building to the establishment itself by a pedestrian. It also includes a distance of 200 feet from the front door to the front door. Our attorney's interpretation is that both have to comply. So we will have to review that internally with the applicant.

Council Member D. Harris made a motion to approve Ordinance 2023-03-15-B, an ordinance amending Enoch City Ordinance 9.400.412 License Application. Council Member W. Harris seconded and a roll call vote was held as follows:

Council Member Ross: Yea	Council Member W. Harris: Yea
Council Member D. Harris: Yea	Council Member Jensen: Absent
Council Member Stoor: Nay	

5. CONSIDER RESOLUTION 2023-03-15-A A RESOLUTION AMENDING THE ENOCH CITY FEE SCHEDULE – Late fee and paperless billing

Ashley Horton said the attorney that collects our past due accounts mentioned that we currently have a fee based on a percentage. However, that won't hold up in court so the collection agency won't try and collect any of the late fees. If we collected a dollar amount fee it would hold up in court. Staff proposed a \$10 late fee each month a bill is late. Also, the staff has been trying to get people to sign up for paperless billing. It would save money on costs, such as postage, envelopes, and time. Staff is proposing a one-time \$5 credit to their account, which they would have to continue for one year.

Council Member D. Harris made a motion to approve Resolution No. 2023-03-15-A, a resolution amending the Enoch City Fee Schedule. Council Member Ross seconded and a roll call vote was held as follows:

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

6. CONSIDER RESOLUTION NO. 2023-03-15-B A RESOLUTION PROCLAIMING SATURDAY APRIL 29, 2023 AS ARBOR DAY

Council Member Stoor said this date is the same as National Arbor Day. It will be on a Saturday.

Council Member Stoor made a motion to approve Resolution 2023-03-15-B, a resolution proclaiming Saturday April 29, 2023 as Arbor Day. Council Member D. Harris seconded and a roll call vote was held as follows:

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

7. CONSIDER ORDINANCE NO. 2023-03-15-C AN ORDINANCE AMENDING ENOCH CITY ORDINANCE 8.100.107 PURCHASES BY CITY OFFICIALS OR EMPLOYEES

Justin Wayment, City Attorney said this is a situation where we had a question asked by an attorney here in town. First, he asked what constituted an officer, which is anyone serving on behalf of the city. This could be planning, zoning, water board, etc. The attorney said that if an officer wanted to do business, they could not buy anything even if its disclosed. This amended language would allow an employee of the city to bid on things provided the City Council approves it. The idea is to give an officer the same opportunities to act as any other citizen. City Manager Dotson said if the City Council decided not to go out for bid to sell something or work out another arrangement, this would allow an officer to be a part of that process without having the property rewarded back to the city. Mr. Wayment said currently regarding a trade, if an officer had a vehicle and you had a vehicle and you want to trade properties, then the officer couldn't do that simply because they are an officer. This would be full disclosure and we waive any conflict. Mayor Chesnut said as long as it's transparent, there's a meeting, minutes, and people can come and comment on it, then it's okay.

Council Member D. Harris made a motion to approve Ordinance No. 2023-03-15-C, an ordinance amending Enoch City Ordinance 8.100.107 Purchases by City Officials or Employees. Council Member Stoor seconded and a roll call vote was held as follows:

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

8. CONSIDER RESOLUTION NO. 2023-03-15-C A RESOLUTION TO PETITION THE AUDIT OF THE GUN-BRANDISHING EVENT AT CANYON VIEW HIGH SCHOOL ON FEBRUARY 27TH AND 28TH, 2023 WITH THE RELATED INVESTIGATIONS AND ACTIONS

Mayor Chesnut said this has been brought to the meeting at the request of a fellow Council Member. City Manager Dotson said Council Member Jensen requested that he put together a resolution for their consideration. We propose and request that someone in the state of Utah, that has authority, audit or review the actions that were taken place by the Iron County School District. He included, in the packet, the letter and email to other people that he sent. On behalf of the city, City Manager Dotson spoke with Council Member Jensen, face to face. One of the things he made clear is that he did not represent the Council as a complete body and he changed his communications to make sure that he was speaking for himself. He also felt a responsibility as a representative of his constituents that elected him to at least put his best foot forward with what he believes is right. Council Member Jensen apologized that he couldn't be at the meeting and trusted them to do their best. Mayor Chesnut said you could vote or table it. Mr. Wayment said he did research on Monday. He couldn't find anything that would indicate whether you can or can't have one governing body inspect another governing body. As far as the law goes, there wasn't anything. Council Member Ross said this is something that she was against and having a resolution for something like this is not something to go forward with. She asked that they have a public meeting and the Board of Education in Iron County announced that they will allow public comments in the March 21st meeting. If those parents want to request an audit, then it should be done there. Council Member Stoor agreed and said he wondered about the precedents within the State. Mr. Wayment said he couldn't find anything. Resolutions are of less priority than ordinances. He has never seen this type of res before and he didn't know what it would do for them. By the logical conclusion, you would need to send a letter to whoever you have to do the audit and make a recommendation. You need to figure out if it helps. Council Member Stoor agreed that if there is a change of policy needed, then it needs to be done in a forum for a meeting

like that. He wondered how much of all of the information was factual. City Manager Dotson said he wanted to make it clear that this was the proper process for City Council to ask another entity to do something for another governing body. Mayor Chesnut said he agreed that this might not be the right process for this body to take the action. Council D. Harris said he agreed with Council Member Stoor in that there are things that are factual and not known at the time. There are already processes in place to get more information and give feedback. He preferred to let the school board play out and if they felt like the results weren't happening, then they could revisit it. He said he supports building people up and making us all better.

Council Member D. Harris made a motion to table the item until April 5, 2023.

Council Member Ross said she is a firm no. Mayor Chesnut said they could table it and let Council Member Jensen read the minutes from tonight or they could take no action if there is no second to move forward with. Council Member D. Harris withdrew his motion.

9. COUNCIL/STAFF REPORT

Chief Ames reported the annual Easter Egg Hunt will be Monday, April 3rd at Old Enoch Park. Hayden White reported that they got the pickleball fence up at Iron Mountain Park. They filled sandbags today. There is sand at the Public Works building and people can fill their own bags. They did meter reads and water shut-offs today.

Ashley Horton reported that she had started working on next year's budget. If they want to split up again and meet with departments then they need to look at starting that on the first of next month.

City Manager Dotson reported staff would like to change the dump pass to one year. Council Member Stoor asked about a couple of City-wide cleanup days. Council Member D. Harris said he agreed that would be good and suggested the 2nd Saturday of May. City Manager Dotson said open burn started today and goes until they tell us to stop. He also reported the ice rink is moving locations. It's moving about 500 feet to the east. Council Member Ross asked if that was closer to homes. City Manager Dotson said it's closer to homes and the owner will talk to homeowners. They have to build the infrastructure around the ice rink, including the curb and gutter. It came out to cost more money. By moving to the east, the infrastructure needs were decreased by 60%. We also need to build on the Police Department this year. Back in 2015, we delayed impact fees. We are supposed to spend that money and had the resolution to extend that to 2023. They are seeking engineering and will put together a construction package to go out to bid and potentially apply for CIB funding. They have been working on Iron Mountain Park and today he got word that the sod will be donated and they will put sprinklers in. He also reported that he had the engineer put together grant documents and the projected cost to improve Highway 91 is \$16 million. We have to come up with 20%. Its federal money and will have to go through the federal program.

The Enoch Community Recovery Program is directly related to the Jan. 4th incident. He got word that there was a donation of upward of \$100,000 for community needs. This group consists of Canyon Creek Crisis, CJC, Family Support, Iron County School District, Enoch City, and others. The idea is to invite people to come to group protocols. It helps individuals get the professional help they need from trauma. There is a lot of need that we aren't fully aware of. Everyone appreciates Enoch City, the Council, and the Police Department.

Council Member W. Harris reported that the Economic Development Committee will need to have a meeting next month.

Council Member D. Harris said the Water Board met and they discussed accepting multiple water shares in lieu of cash. That original ordinance was set up for a reason. Council Member Ross said the Planning Commission had that come up and there will be a public hearing at the next meeting.

Council Member Stoor said the Recreation meeting will meet tomorrow to plan for Arbor Day and sod laying.

12. ADJOURN –

Council Member D. Harris made a motion to adjourn. Council Member D. Harris seconded all voted in favor.



Lindsay Hildebrand, Recorder

4/5/2023

Date