

MINUTES
ENOCH CITY COUNCIL
March 1, 2017 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 Jolene Lee
Council Member Dave Owens
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder
Ashley Horton, Treasurer
Todd Sheeran, City Atty.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Earl Gibson, Public Works

Public present: Dilworth Armstrong, Heidi Baxley, Kylaas Flanigan, David Livingston, Marcie Moody, Gary Howe, Mr. & Mrs. Blaine Hofeling with Brittany, Scott Leavitt, Bob Rasmussen Brent Oakeson, Mr. & Mrs. Oscar Fakahua and Jill McKinley

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Council Member Johnson at 6:00pm. Mayor Chesnut was delayed so Council Member Johnson conducted.
 - a. **Pledge of Allegiance-**Led by Earl Gibson
 - b. **Invocation-**Audience invited to participate-Given by Council Member Owens
 - c. **Inspirational thought-**Given by Council Member Harris
 - d. **Approval of Agenda for March 1, 2017-Council Member Stoor made a motion to approve the agenda. Motion was seconded by Council Member Harris and all voted in favor.**
 - e. **Approval of Minutes for February 15, 2017-Council Member Harris made a motion to approve the minutes. Motion was seconded by Council Member Owens and all voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-**none stated

2. **PRESENTATION OF TAP AWARD-Utah Local Governments Trust**

Brent Oakeson of the Utah Local Governments Trust (ULGT) came forward to present the award. He said they serve over 500 entities in the State. Brent said Enoch has done a great job of doing the Trust Accountability Programs for preventing losses and claims. City Manager Dotson led the team and has programs in place like the safety committee and he gave congratulations to all. There was applause. He said a check was also sent for 5% off of our premium. City Manager Dotson told about the Trust Accountability Program started five years ago to help entities to reduce the amount of liability for Worker's Comp insurance and our other insurance so our premiums can go down. We have seen changes in our staff and reduction of claims. We are one of the lowest of all the entities in the State. It is not just one thing but a lot of things we do together. We are staying safe and have a "culture of safety" in our work environment. That starts with leadership which comes from the City Council.

3. **PRESENTATION ON SPECIALTY TOBACCO PREVENTION COALITION-Heidi Baxley**

Heidi introduced herself saying she is a behavior specialist and introduced Kylaas Flanigan from The Southwest Utah Health Department. She told about programs given to kids in schools at different ages and the trends they see in our community. The results showed some substance abuse rates were higher than before since the emergence of e-cigarettes and other

“vaping” devices. Use has increased 300%. Alcohol was always the number one concern but this may overtake that. The coalition tried to figure out why this is so prevalent in Iron County more so than other areas. Their studies indicate we have higher availability of these products for sale in the area. They presented many statistics and charts on their power point noting only Family Dollar sells these products in Enoch however there are 49 stores in Cedar City. They are trying to influence local ordinances to curb this type of business. He gave examples of how some things are being done in other municipalities such as resolutions banning this type of specialty store. He referred to the sample ordinance of Beaver City in the packet.

There was much more discussion of the types of products, easy availability and the many ways kids can hide their use because the vaping tools can be disguised as other things parents would not recognize. Heidi said they have been doing education in the schools because parents and teachers don't perceive the risk and the easy availability online. She showed pictures of the different types of products and how sneaky kids can be about what is inside. Jill McKinley said she is the administrator for the Juvenile Justice system so she is involved in this. They are increasingly seeing youth with these products and parents don't recognize them which is a big concern. They are concerned only about youth and them being safe. The flavored products are marketed to young kids in the media. This is a serious issue in our small community and what is in the best interest of youth. This behavior is becoming normalized. Like cigarette smoking in past decades they became more heavily restricted as we learned the risks. The advertising is very kid focused and they showed photos off social media sites today glamorizing the behavior. Tonight they are asking Enoch to take action to do a complete ban or to take more time and put a moratorium on this type of business to deliberate over what we will allow. They encourage this because with all the changes in surrounding communities to their laws, specialty tobacco stores will look to Enoch to come into if we do not regulate this.

There was considerable discussion about the pros and cons of outright banning of specialty tobacco shops. Kylaas Flanigan said the main thing for them is to point out what has happened to cause this dramatic increase in usage by kids and this is one tool to reduce this. Most schools have a 1000 foot radius for a no smoking zone.

Mayor Chesnut asked if the assertion is that these companies are selling illegitimately to kids adding there are penalties for that already. It was noted most kids are not acquiring it from retail shops. Mayor Chesnut said banning a type of business in a location is not going to stop that. He said he is for individual freedoms and has had these types of debates in the past. The market dictates whether a business survives or not. City Manager Dotson said passing a resolution or ordinance is a statement. Mayor Chesnut said he is not a fan of that and is an advocate for education rather than passing laws. “Feel good” resolutions do not really change anything. Mayor Chesnut said he would rather do what we can to support the education part of this and asked the representatives to tell us what we can do in that regard. He said our community is not a big fan of making laws about things. He thanked them for their time.

4. CERTIFICATION OF ANNEXATION FOR GARY AND CAROLINE HOWE- City Recorder

Julie Watson, the City Recorder explained the annexation process saying certifying the petition and presenting it to the City Council begins the noticing process. The certification is to make sure it meets our requirements. Our City Attorney, City Manager and County Clerk have been involved in the process. Council Member Lee asked Mr. Howe why he wanted to annex into Enoch City. He said why not. The property taxes will be less for them and they had the opportunity to create ½ acre lots for their kids or others to purchase to live there. The City water line is nearby and they are hooked up to it. City Manager Dotson said part of the process is that the City Council is notified. We will do an annexation agreement with the Howes and they will also go to the County Commission regarding this. The other taxing entities will be notified and so

will the residents around the Howe's property although that is not required by law. They can come to the public hearing to speak. Mr. Howe said he has talked to his neighbors and they would all join but the cost of surveying is a deterrent for them. Council Member Lee asked if this is a subdivision now. City Manager Dotson said we still have questions on that because the Howe's divided it into separate lots and recorded the deeds for each lot with the Iron County Recorder. That did not necessarily create a subdivision because there is a process for that. We will check with the County Commission to see what they say. If necessary it would go to the Planning Commission for the subdivision process after the annexation and that would be a part of the annexation agreement. Council Member Lee said she has questions of why of why not this is good for Enoch. Mr. Howe said you get more taxes. Council Member Lee added we also get more responsibility like providing services. Julie said the noticing process would begin with the newspaper notices running for three consecutive weeks.

5. DISCUSS CONGREGATE LIVING FACILITIES

Mayor Chesnut asked City Manager Dotson and Council Member Harris to tell the Council about this. City Manager Dotson said it started with the question from Blain Hofeling who is here tonight. As we reviewed our ordinance we found many things have changed with the law and that we were not in compliance with State and Federal laws in regard to group homes. We had "cut and pasted" the requirements into each zone where these homes were allowed. In the course of the Planning Commission discussion we put it all into one place with a reference to "congregate living facilities" in each zone's conditional uses for clarification. In discussion with the Planning Commission there were definition challenges. The industry of homes for troubled youth has changed dramatically since this was written and there are many rules and regulations to deal with. We dealt with definitions and the structure of our ordinance. That was the main thing that was changed.

City Manager Dotson gave more details saying foster care is licensed by the Division of Family Services and regulated by them. Council Member Harris said foster care is controlled by the State and is impossible for a city to regulate or enforce. We took a lot of language from State Code. Definition #191 "troubled youth" is not in our ordinance and will not be permitted in residential zones. The Planning Commission said they did not want any facilities to be in residential zones when it involved adjudicated kids. Part 10-6 is new language and was moved to one chapter. The Planning Commission did not want to allow many of these type homes so they set it at three quarters of a mile between homes which effectively limits them to four or possibly five within Enoch City. We cannot regulate ADA requirements and those being treated for substance abuse are considered disabled.

Council Member Lee asked about the 700 feet between homes for the elderly. Council Member Harris said there was not a real reason for that number. It was and three quarters of a mile before and 700 feet was proposed. Council Member Lee asked if it would be a problem if two of the elderly residences were side by side. Council Member Harris said it is not so much that it is a problem due to the residents but this is a business for profit to house elderly people and that use is what is being limited. Density is the question and limiting the amount of those types of facilities in Enoch was the point to decrease businesses being clustered together Council Member Harris said. Mayor Chesnut asked about eight residents or fewer in a residential setting and was told four residents is what is in State code now. Mayor Chesnut asked about the family type arrangement. City Manager Dotson said that refers to State code for people who are unrelated saying that is the definition of a family. There was more discussion about traffic that could be created by these businesses in residential zones and most agreed it is a non-issue. Council Member Harris said he has no concerns with the space limitations and the City Council can take the limitations out or change them from what the Planning Commission recommended.

Mayor Chesnut invited Blaine Hofeling to come and asked if he reviewed the changes and could help with some of our questions as he owns a residential treatment center in Cedar City. Blaine gave some history of his discussions with City Manager Dotson regarding our outdated ordinance. One of the biggest concerns was the three quarters of a mile distance requirement between homes as well as the many references that were not in sync with current law. The new ordinance looks much better except for the distance question because we are no longer talking about troubled youth. He explained the kids he helps in his treatment home are kids with emotional problems, eating disorders and not violent behavior. He said many kids are adopted and have real issues with fitting in. They are able to counsel and work with them on those issues. The reality is they are more regulated by the State than any city could ever do. There are very serious compliance requirements for this type home. He hopes to convince them to change the three quarters of a mile. Cedar City has a 700 foot requirement and that is limiting too. He said he understands there is fear associated with this but he thinks he can show that is not a problem. We already eliminated troubled youth or adjudicated kids. Referring to his treatment center he said the economic reality is a 16 bed facility equates to about 50 jobs for people who are making a good wage and that would be good for the City. He asked a young lady, Brittany, who is a success story helped by his facility, to tell the City Council what it is like living in the facility. There is one supervisory staff member for every four kids. Brittany came up to tell about her experience with the Havenwood facility. She got out of the treatment center three months ago and graduated from high school two years early. She suffered from anxiety and depression and needed someone to show her how to live in a family. She got comfortable and had home schooling and online schooling. The other girls became her family. She gave many details of how this helped her adding she will go to SUU in the fall. She does not know where she would be without the staff at Havenwood and she hopes more youth who need help can get this type of help. Mayor Chesnut thanked her for coming. A Oscar Fakahua, a counselor from the facility said he wanted to share that they work with different type of kids and he has been in this type of work for 30 years. They are talking about treatment of girls who have gone through trauma. He shared that no one ever ran away or endangered others. He said most kids start in bad homes and don't know how they fit in. In anything that involves youth the parents need to be involved and we need to teach people how this works to help their kids. They do this with love, care, concern and positive peer culture. Blaine said Brittany is a success and many have become successes. They run a good home although some are not run well and what happens is they go out of business or the State shuts them down. Three quarters of a mile will make that almost impossible in Enoch. 700 feet is limiting too. Council Member Lee asked about the difference between residential treatment facilities and therapeutic boarding schools. He explained the difference is in the boarding school they can treat people who have mental illness problems. They can't be in a residential treatment center setting. His school is in a residential neighborhood and they have never had a complaint from a neighbor. The market is shifting and is going away from institutional settings to a residential type setting. Providing a normal environment is possible in a smaller residential setting. Going to school and other supervised activities add to a more normal life for the clients. Council Member Lee asked if one home is financially feasible. Blaine said no, it is not if limited to four clients. No one will do it and those who do will run on the bottom of the industry standards filling requirements at a minimal level. Council Member Lee asked why he is interested in Enoch. Blaine said it is because of the residential feel of the area. He suggested we allow 700 feet to allow more residential treatment facilities than five. Mayor Chesnut thanked Blaine for his input.

6. ORDINANCE NO. 2017-03-01 AN ORDINANCE ADOPTING CHANGES TO THE ENOCH CITY ZONING ORDINANCE REGARDING CONGREGATE LIVING FACILITIES

Council Member Johnson noted a couple of typos in the ordinance. He added we will have a little more traffic but that is not a huge thing and jobs are a benefit. Council Member Harris said Council Member Lee came to the Planning Commission meeting when this was discussed. He said he lived across the street from one of these homes and never had a problem. Some negative things have happened in facilities and the Planning Commission was concerned. They look at worst case scenarios and plan for that. Some did not want any homes at all allowed and some were fine with more. He is comfortable changing it to 700 feet and regarding elderly homes to 100 feet. Council Member Harris suggested those changes are more in line with reality. Most concerns the Planning Commission had would tend to be alleviated when facilities are managed well. We could pass this ordinance tonight with those changes. Council Member Harris asked Blaine if two facilities were next door to each other is that potentially a problem. Blaine did not know but suggested in reality it would be better for the businesses and the City to put two or three houses together so they can work together. Because of supervision requirements they would be fine next to each other. Council Member Harris said neighbors would be concerned with multiple houses together due to staff traffic. Blaine added that there are 12 staff members with three on shift and a therapist coming in and out which is not a lot of traffic. Council Member Harris said the 700 feet would show some continuity with Cedar City and would exhibit a common expectation for business owners. Blaine said he would like 500 feet even better but 700 feet is acceptable. Council Member Lee said the fear is more due to a lack of understanding and she would like less restriction but is happy with a compromise on 700 feet between treatment facilities and 100 feet for elderly homes although she would be good with 500 feet too. Mayor Chesnut asked for a motion.

Council Member Harris made a motion to approve Ordinance No. 2017-03-01 with changes to 100 feet between homes for the elderly and 700 feet for residential treatment centers. Motion was seconded by Council Member Owens and a roll call vote was held as follows:

Council Member Johnson-no	Council Member Harris-yes
Council Member Stoor-no	Council Member Lee-no
Council Member Owens-no	Motion failed

Mayor Chesnut asked for another motion regarding the distance discussion change that just took place. **Council Member Harris made a motion to approve Ordinance No. 2017-03-01 to change homes for the elderly to 100 feet distance between them and residential treatment homes to 500 feet between them. Motion was seconded by Council Member Owens and a roll call vote was held as follows:**

Council Member Johnson-yes	Council Member Harris-yes
Council Member Stoor-yes	Council Member Lee-yes
Council Member Owens-yes	Motion passed

7. BUDGET DISCUSSION AND PLANNING

Mayor Chesnut asked Ashley about the plan. She said we discussed in the last meeting that we would meet with department heads to get their budgets and submit a basic plan for the City Council to review and give their input on as a starting place. That may speed it up a bit. The budget would be for the necessities and not ambitions or a wish list which will come from the City Council in later discussions. It was suggested we discuss the budget in a regular Council meeting with a short agenda regarding other things. Pet projects could be discussed the night of the discussion. The first draft will be no frills. City Manager Dotson said the challenge is it is hard to set goals or create a vision in a short period of time. Do we leave it to chance or go year by year to create more vision. That is up to the City Council. We have done some of this goal/vision setting in the day-long meeting held last year for orientation. He asked again what they want to do on that. Council Member Johnson said let's do it the old way by presenting

basics with department input instead of wish lists which cost a lot more. Council Member Lee suggested they could have list from City Manager Dotson regarding vision for the future and talk about it. Perhaps we could each write down our thoughts and then go into the budget numbers. City Manager Dotson said planning is very subjective. What is Enoch City? It is a bedroom community for Cedar City but what else could we be. Council Member Johnson said we are a City that leaves people alone. It was noted there has to be a tentative budget set by the first meeting in May. The Council decided the meeting on April 5th would be for this discussion with a lighter agenda for other items.

8. ADJOURN TO CDRA MEETING-See separate agenda
Council Member Harris made a motion by to adjourn the regular meeting and go into the CDRA meeting. Motion was seconded by Council Member Owens and all voted in favor. The regular meeting adjourned at 8:05pm.

9. RETURN TO REGULAR MEETING-Returned to regular meeting at 8:10pm.

10. PUBLIC COMMENTS-none

11. COUNCIL/STAFF REPORT

Chief Ames reported the most notable thing in the last two weeks was attending the UPOA multi-gun event. Other than that it is business as normal. Council Member Harris said it was observed that people are living in a storage container on Hwy. 91 and Chief Ames said they investigated that. They also helped in the recovery effort for a plane wreck out in the Highway 20 area. The house burning exercise was conducted for testing equipment and the fire was put out in two minutes. He noted there is a fundraiser for the Beaver County Children's Justice Center March 13th from 5:30pm to 8:00pm and he told about the events being held.

Earl Gilson reported they are going to the Rural Water Conference in St. George for training. They have been shouldering Midvalley Road and will be doing more of that. Council Member Lee asked about the trench along Midvalley Road. Earl said someday they hope to lay pipe in it but that is very costly so it is out into the future.

City Manager Dotson said he was notified from Kanarraville that they are canceling our building inspection services with 90 day notice as required by the contract. They decided to go with the County for that service although they had no complaints. We will finish the three ongoing projects there before the 90 days is up. Open burn is March 15th to May 31st.

Council Member Stoor said the Tree Committee met last week and got some resources for trees for Cottonwood Park and for Arbor Day.

Council Member Harris said the Planning Commission met yesterday and will be holding a public hearing on the R-1-11 zone on March 14th.

Council Member Lee passed out the disc golf brochures and pencils with the Enoch logo saying the interns started teaching the kids at Three Peaks Elementary and it went well. The other schools will have sessions this month. Cam Findlay said he wanted to do a disc golf grand opening and looked at May but he prefers April 22nd or April 29th instead. It was noted that those weekends are the City clean-up days and also Arbor Day is April 29th. Maybe May 6th would work for the disc golf grand opening so she will suggest that. She is working on historical trail sites. She wondered if the State will require water conservation and if that might be a good thing to put on the Water Board agenda for them to come up with conservation tip for the newsletter. She asked if it is possible to publicize the public hearing on the R-1-11 zone more. City Manager Dotson said he would try to get an article in the Iron County Today newspaper in addition to the posting required by law.

Council Member Owens said the EDC will meet tomorrow however their agenda was not turned into the office in time to be noticed.

14. ADJOURN-Motion to adjourn by Council Member Harris. Motion seconded by Council Member Owens and all voted in favor. The meeting ended at 8:27pm.

Julie Watson, Recorder **Date**