

MINUTES
ENOCH CITY COUNCIL
March 2, 2016 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 Dave Owens
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder
Dan Jessen, Treasurer
Nick Turner, City Atty.-absent
Robert Dotson, City Manager
Earl Gibson, Public Works
Jackson Ames, PD Chief

Public present: Richard Topham, Minnie Pittman, Dave & Jessica Christopher, Dawn Fisler, Billy Chodoro, Lester & Katherine Ross, Mitchell Lane, John & Delaine Finley, John Horstdaniel, Dilworth Armstrong, Wayne Dykstra, Lorris & Robyn Cox, Michelle & Donna Pritchard, Mitch & Linda Gibilterra, Natalie Cooley, Bruce & Jolene Lee, Marie Fisher, Robert Jensen, Spencer Jones, Tammy Banks, Andrew Losee, Debra Ley, Gordon Batt, Scott Leavitt, Trish Callaway, Tonya Browning, Brian Johnson, Rebecca Banks, Brandon Cox, Shirley Jones, Roy Tryon, Brittney Robinson, Tony & Autie Finton, Jeffrey Crowell, Scott Zingleman, Aaron Anderson, Cassie Easley, Lori Jones, Celesta Lyman, Traci Sullivan and Susan Lewis

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 6:00pm. He welcomed the audience.

- a. Pledge of Allegiance-**Led by Council Member Owens
- b. Invocation-**Audience invited to participate-Given by Lester Ross
- c. Inspirational thought-**Given by City Manager Dotson
- d. Approval of Agenda for March 2, 2016-**Mayor Chesnut said he recommends striking items #2 & #7. The individuals being honored in item #2 were unable to attend and item #7 needs more revision by the City Attorney before it is ready. **Council Member Owens made a motion to approve the amended agenda as discussed. Motion was seconded by Council Member Harris and all voted in favor.**
- e. Approval of Minutes for February 17, 2016-**Council Member Harris made a motion to approve the minutes. **Motion was seconded by Council Member Stoor and all voted in favor.**
- f. Conflict of Interest Declaration for this agenda-**none stated

2. RECOGNITION OF INDIVIDUALS LEAVING CITY SERVICE-item stricken

3. PUBLIC HEARING ON PROPOSED ABANDONMENT OF PORTIONS OF RAVINE ROAD AND POMEROY GREEN ROAD

Mayor Chesnut asked for a motion to enter the public hearing. **Council Member Harris made a motion to close the regular meeting and go into the public hearing. Motion was seconded by Council Member Owens and all voted in favor.** Mayor Chesnut invited public comments asking residents to state their name for the record.

John Horstdaniel on Enoch Road said he lives directly west of where Ravine Road ends. He said in his 9-10 years serving on the Planning Commission there has never been anyone who has ever come to a Planning Commission meeting and voiced any opinion either way about Ravine Road. They have looked at the entire Ridge Subdivision as each phase came in and had discussion and

sent recommendations to the City Council noting the final approval is with the Council not the Planning Commission. As a resident he does not want that road to go through. He has owned that property for 30 years and the road has never gone through. He does not want cars coming straight at his house off of Ravine Road.

Wayne Dykstra on Ravine Road said he was the first to build on Ravine Road in 1997 and first to hook onto the sewer line. He said there is a utility line in that road and he described where the line is. The Planning Commission made recommendations based on Ravine Road and they allowed homes to be built over the top of the utility line. He has used that road numerous times over the years and they like to use that road. He gave the City Council an article from the newspaper in 2008. He did attend Planning Commission meetings many years ago and opposed closing the road. He cited the developer being on the Planning Commission saying he had a conflict of interest because he wanted the road closed. He is opposed to closing the road. The road is surfaced in some places to the City well. He has to go all the way around to get to the church and prefers to use the road. He cited past protests about the road being closed. That is what happens when a developer is on the Planning Commission. He intends to continue to use this road and they will not be stopped by any action taken on this road.

Dawn Fisler said she is a property owner on the corner of Ravine Road and she opposes the road being open to through traffic. The access to her property is not wide enough for code and she does not want that road opened saying only a few want it opened. She cited a petition that was presented earlier from residents adding abandonment is fine.

Brian Johnson said and he is for this road being abandoned and understands some will still drive on it. This is a private property issue.

There were no other comments.

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

4. 2016-03-02-A AN ORDINANCE ABANDONING PORTIONS OF RAVINE ROAD AND PORTIONS OF POMEROY GREEN ROAD

Mayor Chesnut asked for discussion from the City Council. Council Member Stoor said based on the City Engineer's document his position to abandon these other portions is a practical one. That is a savings of the City funds to use on other roads that need it more. Ravine Road has not been used for many years and it is not practical to keep it open so that is why he favors abandonment. Council Member Harris agreed saying the paved part is still open to the City well with no issues for the utility easement in the road. The part being abandoned is by the Stake Center and continues onto Blueberry Road and also a small section by Fisler's property. Council Member Stoor added we perhaps should rename this western section of Ravine Road for clarity for emergency services. It was noted that will be on a future agenda.

Council Member Johnson said he is concerned about getting the word out about public hearings noting this public hearing was on a website page under City Council meetings and was a bit hard to find. It was noted the public hearing was noticed per State law in many places besides the website. He expressed concern that this abandonment would eliminate all of our options in the future like for trails in that area. He discussed further what past City Councils had done and stressed that we should show respect for the decisions of our own past City Councils. Our City Attorney said Ravine Road is a road. Someone fenced it off saying they had proof it had been abandoned. If it is true it was abandoned then abandoning it twice would make a mess. He noted the money is in the budget to fix the road and people have used the road and it is part of the history. Council Member Owens said historically it has been a road and that is a fact. There has been a lot of talk and debate but no action has been taken. This City Council is not doing anything in haste. They have looked at this since 2007 and looked at pros and cons. It is time for a determination. Inaction is more irresponsible than taking an action. This will not make everyone

happy however this City Council needs to make a decision that is best for the City and not necessarily try to please everyone. This has gone on too long and right or wrong they need to act. If things change in the future we can look at it again. Council Member Harris agreed this road is not important to future planned roads for Enoch. There is no evidence of use in the recent past noting it is not worthy of budget dollars.

Council Member Stoor made a motion to approve Ordinance No. 2016-03-02, an ordinance abandoning portions of Ravine Road and Pomeroy Green Road. The motion was seconded by Council Member Harris. Before the vote it was noted that one legal description that was on the map was missing from the text of the ordinance so the motion was amended as follows: **Council Member Stoor amended the motion to say approve an ordinance abandoning portions of Ravine Road and Pomeroy Green Road as shown on the mapped legal descriptions and to include by reference attachments and all exhibits. The motion was seconded by Council Member Harris roll call vote was held as follows:**

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Johnson-No	Council Member Owens-Yes
Motion passed 3 to 1	

5. DISCUSS RECOMMENDATION FROM THE PLANNING COMMISSION ON ZONE CHANGE FROM REGIONAL COMMERCIAL (R-C) TO MULTIPLE-RESIDENTIAL (M-R-2) FOR PROPERTY OWNED BY MJB ENOCH, LLC AND SET A PUBLIC HEARING FOR MARCH 16, 2016

Council Member Harris said this was discussed at Planning Commission meeting and a public hearing was held. There is a lot of public interest and many opposed to this. While the public hearing was held and we don't have to hold another one by law we can and should do this for the benefit for the public. He noted there is a resident petition that has come up that was not presented in Planning Commission meeting. Although we know of the feelings of residents he recommends we hold another public hearing and then discuss this matter after the hearing. Mayor Chesnut agreed to another public hearing and to defer the discussion by the Council until after that. **Council Member Harris made a motion to set a public hearing for April 6th to allow for the noticing period to take place. The motion was seconded by Council Member Owens and all voted in favor. Council Member Owens made a motion to hold off on the discussion until after the public hearing. Motion was seconded by Council Member Harris and all voted in favor.** Mayor Chesnut called a five minute recess while members of the public left the building.

6. 2016-03-02-A A RESOLUTION APPROVING THE UPDATED POLICY MANUAL FOR THE ENOCH CITY POLICE DEPARTMENT

Mayor Chesnut asked Chief Ames to tell the Council about this. Chief Ames said they have been working on this for some time now noting our policy manual is outdated. We are working with Lexipol, a company that provides policy manuals for law enforcement. This is fluid and evolves over the years. Lexipol looks at federal, state, case law and best practices. The manual is about 600 pages and he hopes the Council looked through it. We need to update this to be in compliance with standards. Council Member Johnson said he read the whole thing adding it is reasonable and above board. He would like a few minor things to be more freedom oriented but is fine with it. Mayor Chesnut noted the date on the resolution needs to be corrected from 2013 to 2016 and to change the conjunction "doesn't" to "does not". **Council Member Owens made a motion to approve Resolution No. 2016-03-02-A, a resolution approving the updated policy manual for the Enoch City Police Department with the two changes as noted. Motion was seconded by Council Member Harris and a roll call vote was held as follows:**

Council Member Harris-Yes	Council Member Stoor-Yes
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Council Member Johnson-Yes

Council Member Owens-Yes
Motion passed unanimously

7. **2016-02-017-B A RESOLUTION DESIGNATING AUTHORITY AND GIVING PERMISSION TO THE MAYOR CHESNUT, CITY MANAGER AND POLICE CHIEF TO MAKE GENERAL POLICY CHANGES TO THE CITY'S POLICIES AND PROCEDURES MANUALS AND POLICE DEPARTMENT POLICY MANUAL-Item stricken**

8. **APPOINT TREE COMMITTEE MEMBER(S)**

Mayor Chesnut said Laura Allen is not here tonight but has expressed interest and he recommends her appointment. **Council Member Harris made a motion to approve the appointment of Laura Allen to the Tree Committee. Motion was seconded by Council Member Johnson and all voted in favor.**

9. **RESOLUTION NO. 2016-03-02-C REVIEW/APPROVE MUNICIPAL WASTE WATER PLANNING PROGRAM-Earl Gibson**

Mayor Chesnut asked Earl to come up for questions about this. Council Member Harris noted this is an annual report based on a point system. He asked Earl about the point system. Earl said this comes from the state DEQ and is a requirement so they know that we let the City Council know what we are doing and to assure the governing body is aware. They set the points and we fill it out. Dan filled out the financial portions. A new outfall line is budgeted in the CFP and in the impact fee report to the state and that will be updated as we go along. Mayor Chesnut asked about the certifications of the operators and was told we exceed population standards at Grade 2. When there is more population we will need Grade 3 certifications. Council Member Owens congratulated public works for being above and beyond the requirements. Earl noted we have more than one person certified in case someone leaves. Our system is all gravity flow and that is an advantage. **Council Member Johnson made a motion to approve Resolution No. 2016-03-02-C to approve the Municipal Wastewater Planning Program. Motion was seconded by Council Member Owens and all voted in favor.**

Council Member Harris made a motion for a five minute break before candidate interviews. Motion was seconded by Council Member Stoor and all voted in favor. A five minute break was taken.

10. **INTERVIEW COUNCIL CANDIDATES FOR VACANT SEAT-2 YEAR TERM**

Mayor Chesnut called the meeting back to order at 7:07pm. He said we appreciate those who expressed interest for the seat left open by Gary Wilcken. We were sorry to see him leave but happy to see so many willing to serve. He reviewed the provisions of State Code to fill the position saying we will have each candidate draw a number to determine the order of the interviews. One will start and the others will wait in the break room to be called. Once concluded the City Council will vote on a candidate. Votes will be counted and the top two will come forward for a second round of voting. If there is no majority a coin toss will take place as designated in State law. The candidates came forward to draw a number.

The format for the interview was each person was asked to give a short biography of his/her self. That was followed by the same questions for each candidate. The questions were:

From Council Member Owens: If a neighbor reported to you that he witnessed a City employee stealing what would you do?

From Council Member Harris: Describe how you have dealt with conflict situations in the past.

From Council Member Stoor: Give two things you would like to accomplish in your term.

Council Member Johnson posed one question to Cassie Easley only regarding her run for the Council seat in the last election.

The order of the interviews was: Scott Leavitt, Katherine Ross, Andrew Losee, Jolene Lee, Cassie Easley, Minnie Pittman, Richard Topham and Debra Ley. Rich Lile did not show up.

11. DISCUSS AND VOTE ON COUNCIL REPLACEMENT-2 YEAR TERM

Mayor Chesnut passed out paper for written voting saying any discussion has to take place in the public meeting. There was no discussion. He asked for the first vote instructing each Council Member to vote for one person. Mayor Chesnut read the results of the first vote as follows: Scott Leavitt, Richard Topham, Jolene Lee and Debra Ley had one vote each.

Mayor Chesnut noted only two persons having the most votes can move forward for a coin toss if tied per State Code. Mayor Chesnut suggested the Council each vote for their top three. Another paper vote was cast with Council Members choosing their top three. Mayor Chesnut read as follows: Jolene, Scott and Richard- Richard, Scott and Jolene-Scott, Jolene and Debra-Debra, Cassie and Minnie. Scott Leavitt and Jolene Lee came forward as the top two.

City Manager Dotson collected the final vote and Mayor Chesnut announced that Scott Leavitt and Jolene Lee were tied. Mayor Chesnut showed the candidates the coin with Lady Liberty as heads and the Eagle as tails. Jolene called heads and Scott called tails. Mayor Chesnut flipped the coin and it was heads for Jolene Lee to be appointed to the City Council.

12. OATH OF OFFICE TO NEW COUNCIL MEMBER-City Recorder

Jolene Lee was given the Oath of Office and took her seat on the City Council.

13. PUBLIC COMMENTS

Spencer Jones said he has never seen a coin toss decision before and hopes it is front page news.

Celesta Lyman said she was on the City Council before and respects what they do adding they have chosen well in Jolene. She will dedicate the time and is a great asset. She thanked the City Council and there was audience applause.

Katherine Ross said she was the second one interviewed and listened to what everyone had to say and they made a good choice.

Scott Leavitt said coin tosses do not lie and he looks forward to good things and congratulations to Jolene.

Brian Johnson said congratulations or sorry, depending on point of view, to Jolene. He brought up the lack of flashing lights at the school zone on Midvalley Road saying he has not heard anything on that and wants to keep it on the radar.

Andrew Losee said congratulations to Jolene adding it is good to have a woman's point of view represented on the Council.

14. CORRESPONDENCE-none

15. COUNCIL/STAFF REPORTS

Earl Gibson reported the crew is crack sealing in the Homestead area but there will be no inconvenience to residents.

Chief Ames said they are hiring two police officers and will be doing testing on Saturday adding they have some good applicants.

Dan Jessen gave a reminder to think about the upcoming budget and priorities as we will be discussing this soon.

City Manager Dotson said there is some conflict with the plan for another day-long orientation meeting on March 12th. He explained to Jolene that this is to start budget talks and set goals for next year. Our fiscal year is July 1st through June 30th and the budget has to be approved in the

first meeting in May. After discussion it was decided March 24th and 25th from 5:30pm until we get done would work. It was noted this is a public meeting and is noticed as usual. City Manager Dotson said two urgent budget issues have come up related to the existing budget which is closed. First is the City Council authorized him to seek funding from CIB for a grant for the drainage study which we were awarded. The CIB requires a contract to be signed and when the Mayor read that contract we would be in material breach immediately because we don't have the liability insurance limit they require. We have known we needed to raise our liability insurance limit but now we have to do it immediately to get this grant and there is an increased premium that we need to put into the current budget. There was more discussion of the details and amounts. The other pressing item is an upgrade to the building department software to interface with other agencies and contractors. The City is very busy with building and many new homes and has exceeded projected income in the budget. Mayor Chesnut added our building inspector does a great job and pays for himself and makes money. The new software is better for efficiency and will also maximize the output. We will have an agenda item on the March 16th agenda to open the budget and set a public hearing. By that time Dan will have made these adjustments and others that have become necessary due to changes in the PD and a few other small items. Council Member Stoor asked about the time line for the CIB grant. City Manager Dotson said it is 90 days to sign the contract which we received a week ago. We usually don't open the budget until May but that will be too late for the CIB grant. There may be less grants from CIB for non-producing counties so we don't want to lose this opportunity.

Mayor Chesnut said he was asked by a citizen to mention the Relay for Life taking place on April 2nd. We encourage local teams and this is a great thing for the community.

Council Member Johnson said he apologizes to Rob and Julie because the emailed packet is not working for him and he would prefer to have the paper packet delivered to him as before.

Council Member Stoor proposed a motion to have Ravine Road be on the next agenda to rename portions of it. Mayor Chesnut said we need to go out 30 days to allow for fiscal and legal analysis so that would be for the April 6th agenda. **Council Member Owens seconded that agenda item.** Council Member Stoor said the Tree committee is now in need of two more members with Jolene coming on the Council.

Council Member Harris said he made the PC aware the zone change came forward to the Council and he would suggest another public hearing. They will have more training on their duties in their next meeting. They will also review the commercial zones. He thanked all who signed up to be on the City Council saying they had good choices.

Council Member Owens reported networking night for the EDC and business owners went well and they building relationships. He invited all to the Business Fair at Enoch Elementary on March 26th at 10:00am. The 4th of July meeting was held to continue to plan and they have an outpouring of volunteers who want to continue the tradition. They hope to combine the 4th with a 50th Anniversary of the City celebration. He asked about having the school zone issue on an agenda and was told staff is working on getting some pricing and other details for upcoming budget talks.

Mayor Chesnut said it is good to have Council Member Lee join us.

Jolene Lee said she is overwhelmed but happy to be here.

16. CLOSED EXECUTIVE SESSION REQUESTED-(Requires a roll call vote w 2/3 majority)

Mayor Chesnut said we need an executive session for a strategy discussion regarding the purchase of real property. **Council Member Harris made a motion to close the regular meeting and go into an executive session. The motion was seconded by Council Member Owens a roll call vote was held as follows:**

Council Member Harris-Yes

Council Member Johnson-Yes

Council Member Stoor-Yes

Council Member Owens-Yes

Motion passed unanimously

The regular meeting ended at 8:50pm.

17. ACTION FROM EXECUTIVE SESSION-

The Council reconvened at 9:05pm. Mayor Chesnut recalled the meeting to order and asked for a motion. **Council Member Harris made a motion to make a recommendation that Mayor Chesnut seek some market valuations on the items discussed. Motion was seconded by Council Member Stoor and all voted in favor.**

18. ADJOURN- Council Member Harris made a motion to adjourn the regular meeting. Motion was seconded Council Member Owens and all voted in favor. The meeting ended at 9:05 pm.

Julie Watson, Recorder

Date