

MINUTES
ENOCH CITY COUNCIL
May 15, 2019 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Jolene Lee
Council Member Dave Owens-absent
Council Member Katherine Ross
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder
Ashley Horton, Treasurer
Justin Wayment, Atty.-absent
Earl Gibson, PW Dir.
Robert Dotson, City Mgr.
Jackson Ames, PD Ch

Public present: Alex Meisner, Jenny Vossler, Dallas Buckner, Caroline Jones, Tim Daniels, Nick Van Dormolen, Bob Platt and James Cook

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

- a. **Pledge of Allegiance**-Led by Julie Watson
- b. **Invocation**-Audience invited to participate-Given by Council Member Ross
- c. **Inspirational thought**-not given
- d. **Approval of Agenda for May 15, 2019-Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Stoor and all voted in favor.**
- e. **Approval of Minutes for May 1, 2019-Council Member Harris made a motion to approve the minutes. Motion was seconded by Council Member Lee and all voted in favor.**
- f. **Conflict of Interest Declaration for this agenda**-none stated

2. PUBLIC COMMENTS

Carolyn Jones said she would like to thank the City Council for considering their request for the zone change and she is glad to live in Enoch City.

3. MUNICIPAL WASTEWATER PLANNING PROGRAM FOR 2018- Earl Gibson

Mayor Chesnut asked Earl to explain this. Earl said every year we have to turn this into the State on how our sewer system is running and the City Council has to approve it. Mayor Chesnut asked if there were any issues. Earl said the sewer system is all good with no problems.

Council Member Harris made a motion to approve the Municipal Wastewater Planning Program for 2018. The motion seconded by Council Member Stoor and all voted in favor.

4. REVIEW AND VOTE ON MEMORANDUM OF UNDERSTANDING BETWEEN ENOCH AND IRON COUNTY

Mayor Chesnut said we discussed this before and the agreement was not acceptable. City Manager Dotson said our City Attorney said it did not indemnify the City and made it hard on us so our attorney, in conjunction with others, has done an update. The memorandum says we will help other entities as needed and others will help us as needed. This is a simple agreement with no liability or commitment regarding reimbursement for services.

Council Member Harris made a motion to approve the Memorandum of Understanding between Enoch City and Iron County. The motion was seconded by Council Member Ross and all voted in favor.

5. DISCUSS AND VOTE ON ORDINANCE NO. 2019-05-15-A, AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 11.80 ACRES OF PROPERTY OWNED BY THE MATHESON FAMILY TRUST, PARCEL #A0950-0003-0000 FROM COMMUNITY COMMERCIAL (C-C) TO SINGLE FAMILY RESIDENTIAL (R-1-18)

Mayor Chesnut asked Council Member Ross about this item. She said the Planning Commission sent it with a favorable recommendation and a member of the public spoke in favor. They want to sell the land and it would be easier to sell as residential than commercial because there is no commercial access from SR-130. Council Member Harris said it is in line with the General Plan and makes sense. Council Member Lee agreed as there appears to be no negative impact on the City.

Council Member Harris made a motion to approve Ordinance No. 2019-05-15-A, an ordinance amending the General Plan Land Use Map and the Enoch Zoning Ordinance Zoning Map by changing the zoning of approximately 11.80 acres of property owned by the Matheson Family Trust, Parcel #A-0950-0003-0000 from Community Commercial (C-C) to Single Family Residential R-1-18. The motion was seconded by Council Member Lee and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member Owens-Absent
Council Member Lee-Yes	Motion passed unanimously

6. DISCUSS AND VOTE ON CIVIL PLANS AND FINAL PLAT FOR RESOLUTION NO. 2019-05-15-A A RESOLUTION GRANTING APPROVAL OF THE CIVIL PLANS AND FINAL PLAT OF IRON MOUNTAIN SUBDIVISION, PHASE 3

Mayor Chesnut asked Council Member Ross again who said the Planning Commission sent this with a favorable recommendation contingent on bonding and fees being paid.

Council Member Harris made motion to approve Resolution No. 2019-05-15-A, a resolution granting approval of the civil plans and final plat of Iron Mountain Subdivision, Phase 3, contingent on fees and bonding being taken care of. The motion was seconded by Council Member Stoor and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member Owens-Absent
Council Member Lee-Yes	Motion passed unanimously

7. REVIEW AND VOTE ON RECOMMENDATION TO CITY COUNCIL ON THE PRELIMINARY PLAT, CIVIL PLANS AND FINAL PLAT FOR SETTLERS SQUARE SUBDIVISION, PHASE 1, RESOLUTION NO. 2019-05-15-B RESOLUTION APPROVING THE FINAL PLAT OF SETTLERS SQUARE SUBDIVISION, PHASE 1

Council Member Ross said this came with a favorable recommendation from the Planning Commission contingent on fees, bonding and water rights being taken care of. They appreciated that there were larger lots mixed with smaller lots for a good transition. City Manager Dotson said there is a detention pond that does not show on this map but exists. All phases will

flow there and then flow to the existing NRCS project pipeline. They will have an easement and a ditch from this phase over to the detention basin. They are building a berm on the south side that is permanent and noted on the final plat as required to be left in place. Dallas Buckner, the engineer for the project, said there is the potential for offsite water and for irrigation and there was an agreement that language would be on the plat stating that the berm is to remain in place and anyone modifying it does so at their own risk. As lots are sold they can control where foundations will go so they homes don't get flooded. City Manager Dotson said having it recorded on the final plat protects the City. Mayor Chesnut asked for a motion.

Council Member Ross made a motion to approve Resolution No. 2019-05-15-B, a resolution approving the final plat of Settlers Square Subdivision, Phase 1, contingent on water, fees and bonding being taken care of. The motion was seconded by Council Member Harris and a roll call vote was held as follows:

Council Member Harris-Yes

Council Member Stoor-Yes

Council Member Ross-Yes

Council Member Owens-Absent

Council Member Lee-Yes

Motion passed unanimously

8. REVIEW AND VOTE ON ORDINANCE NO. 2019-05-01-B AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 10, SECTION 10-4, CARGO STORAGE CONTAINERS

Council Member Ross said this was discussed and the Planning Commission decided to table it until the next meeting because there was some confusion on the corrections and more will be made. She recommends the City Council table it also.

Council Member Ross made a motion to table Ordinance No. 2019-05-01-B, an ordinance amending the Enoch City Zoning Ordinance, Chapter 10, Section 10-4, Cargo Storage Containers until June 5, 2019. Motion was seconded by Council Member Harris and all voted in favor.

9. DISCUSS NUISANCE ORDINANCE AND SET A PUBLIC HEARING FOR JUNE 5, 2019

Council Member Lee gave a history on how we talked about nuisances. The old ordinance is really vague and she wanted us to decide as a City how we want to define nuisances and if we have the will to enforce that. They put together a committee that consisted of Mayor Chesnut, Council Member Ross, City Manager Dotson, Chief Ames and herself. They started some time ago and in the course of that they did a lot of work. They looked at things from a very finite perspective to more reasonable. We went from four paragraphs to six pages and looked at State code and other cities ordinances and have a good final product. They talked to community members about their frustrations. The overall result is how this would work with law enforcement and how would we enforce it. It is difficult not to be ambiguous in the language. When people talk about freedom and property rights it is controversial and then there is the greater good of the community so it is not simple.

City Manager Dotson gave an example of what might happen with a reported nuisance. Defining things is the challenge. They came down to defining public nuisances as something that annoys, endangers health, safety or repose of three or more people or offends public decency or makes three or more people insecure. City Manager Dotson said our City Attorney added some things regarding "attractive nuisances" and he read examples from the ordinance. He talked about a couple of recent issues adding Mr. Cook is here tonight with a specific issue. There are many properties in Enoch that because of the rain, have an abundance of vegetation and when it dries out it will become a fire hazard. How do we define risk of fire or fire hazard? That is a question from the standpoint of enforcement. Mr. Cook called the City about his neighbor's weeds which are three feet high now and go right up to his fence. If there was a fire it would

catch his trees and then his house on fire. This issue could include much of Enoch as things dry out. Council Member Lee said we are in that process and need to know how we add the correct terminology for things that are legitimate concerns. Council Member Harris asked if the Fire Department has defined this and was told they have not. Council Member Lee said, from an administrative standpoint, we could have a full time person out abating dry weeds that are too high if residents don't do it. Why have rules if they are not enforced. What do want the PD or Public Works to do? Council Member Lee asked if 13-1083, item F. would cover fire hazards.

City Manager Dotson said the list, as written, is good. Our attorney added item L. which is about having excessive noise between 10:00 pm and before 7:00 am. We can enforce a noise ordinance with this clause because it does not refer to decibels, which is difficult to enforce. This does not include barking dogs. Basically, the remainder of the ordinance is about abating public nuisances. The process to correct a nuisance would be to give a violator a notice first with a time limit for voluntary mitigation which is an actual agreement. City Manager Dotson said that would be administered by him at this point. If they don't mitigate the nuisance then they receive an infraction citation from the PD. Any subsequent repeat violation of the same nature would be a Class B misdemeanor.

City Manager Dotson said Council Member Owens, who is absent tonight, had some issues with the Class B misdemeanor part. He read an email from him which basically said there could be instances where a person does not have the resources or physical capability to mitigate the nuisance; such as the elderly or handicapped. He noted the Class B part should be used with discretion. City Manager Dotson said if a resident can't do what is needed for mitigation we will be told that when an agreement is being made and we can address that. If a person is perfectly capable and doesn't take care of the nuisance that is different. There was agreement by the Council that there should be flexibility for circumstances. The Class B situation would only be enforced if they are repeat offenders and agree to mitigate nuisances and then don't do it. The City may choose to abate with other processes depending on the nuisance. The "teeth" are in here just in case more persuasion is needed. It was noted when a citation is issued and there is non-compliance then it goes to court and a judge gives us the authority to abate the nuisance. This provides due process.

Council Member Harris said he is comfortable with the process. Council Member Stoor liked the self-policing with three or more who agree something is a problem. Council Member Lee said this helps staff make the ordinance work. Property owners have responsibilities living in a community that does affect the whole community. This is all administrative, City Manager Dotson said, including any appeal process. There is no recourse to come the City Council. Appeals would be handled by an administrator which could be our City Attorney or another. That is the separation of powers.

Ashley Horton asked about the three who have to complain, noting they could all be from the same household. Do they have to be adults from separate household and not children? City Manager Dotson said there is discretion in this. The requirement of three is when we will take action and they can be from same household. Mayor Chesnut said it would be best to leave it at three persons who sign the complaint and then we institute the process. Council Member Lee said other things may come up like outdoor lights obstructing only one person and not a lot of people and that is not covered in here. In its simple form, we allowed for three to make a complaint and then administratively we determine if it is valid as defined as a nuisance and act per the code.

We still need to define fire hazard. Mayor Chesnut asked, if this is a public safety hazard with fire, is it in the building code and was told it is not. They only cover abatement of hazardous building and nothing addresses fire hazards of vegetation. Council Member Lee said we acknowledge that broadly for anything that becomes a risk of fire hazard. Council Member Stoor said there is an empty lot near his home with sagebrush and kids were playing with matches and it caught on fire. City Manager Dotson said if it is an emergency we could get a court order to

abate. Also, regarding abatement, with a court order we can enter property, mitigate the problem and get refunded the cost with a lien on the property or be refunded by sending a bill. We can also put the cost on a resident's water bill per State code. There is an avenue to fix the issues. The challenge is defining what a nuisance is and getting that stated clearly so it is less subjective. Mayor Chesnut asked if City Manager Dotson has a recommendation or if we are good with the ordinance as written adding if we need to talk about fire hazards more specifically we could still set this for the public hearing and work on language to address that before the public hearing. In cases of elevated risk like fire hazard, we could carve out an exception for having three complainants. Mayor Chesnut said the committee would not be opposed to relooking at things. Council Member Harris said let's put it in place and test it out. We can always fine tune it as we get experience. Mayor Chesnut asked City Manager Dotson to work with our attorney on high risk issues before the public hearing. Mayor Chesnut thanked Mr. Cook for bringing up the issue of fire hazards, adding this does not have to be so rigid we can't deal with that without three complaining.

Council Member Harris made a motion to set the public hearing on the nuisance ordinance for June 5, 2019. The motion was seconded by Council Member Ross and all voted in favor.

10. COUNCIL/STAFF REPORT

Earl Gibson said they are getting ready for Memorial Day at the cemetery. We are still waiting for parts to fix the wells. Earl said Nick Van Dormolen will report on what he is doing. Nick said he has been working on the trail to the Rec Complex going up Midvalley Road to Hwy. 91 and it is coming along nicely. In a few more weeks the pavers will come to finish it. Iron Mountain pond still has water in it so that work is on hold. Council Member Stoor asked about potholes. Earl said they are waiting for the asphalt plant to open so we can pave but the weather has to be a certain temperature for that. They can still do temporary patches in bad spots.

Chief Ames said we have worked on this nuisance ordinance for a long time. He thinks there is merit if the PD sees an obvious violation for safety or health risk they could act on by going through the process with City Manager Dotson. Chief Ames said they do work with property owners who live out of town and once they get a call from the PD, they do act more quickly. Most all have responded positively. No one has said they would not do what is asked. Earl suggested we give them a list of vendors to use. Council Member Lee said we may need to look at more City staff.

Ashley Horton said she attended the Treasurer's Conference got good information. Since it is close to the end of year everyone needs to get their spending done for this budget year.

City Manager Dotson reported the electricians are finishing up today at the animal shelter. The kennels will put in within the next couple of weeks. The sinks and cabinets will be in next week. We are close to being done by the end of May or mid-June at the latest. We will be ready to open and need to plan the grand opening. The dog park is getting their landscaping in and the pavilion and trail installed. The benches came and they are going full speed with the grant money they received. He reported he and Bob Tingey went on a tour of the area where the west desert water is located today. Tonight at 8:00 pm is the Boy Scout chartering meeting in library upstairs. They are gearing up to get volunteers. The PD can charter a troop but the City can't. All we had to do was sign the charter document and pay \$40. They will start a Cub Pack and Scout Troop. If there is interest they will do troops for girls too. He reported a new State code passed and our attorney is working on a policy about private use of public property. When driving a City vehicle stopping to buy a coke violates the law. A personal call from family on a City cellphone is a violation of State code. We will get a policy in place. The Engineering Standards are being worked on to update them and will be passed by ordinance or resolution. On June 1st, Parowan is sponsoring the "Ride the Gap" 100 mile trail and other shorter routes and all go through Enoch. He reported

he met with Mountain States Lighting regarding street lights and dark sky lighting to update what we do. Currently when new subdivisions come in, Rocky Mountain Power (RMP) puts in street lights and charges us a rental fee and power bill forever. We never own the lights. The other option is for us to purchase the lights. We own them and maintain them and pay the power bill and that will decrease our current bill tremendously. We could get dark sky and LED lights which RMP doesn't have now. They will work on a lighting schematic for Iron Mountain Subdivision and for the Rec Complex with dark sky lights. The 4th is coming up and the fireworks are ordered. Fosters Market started excavation for footings.

Julie Watson reported on the next agenda for June 5th.

Mayor Chesnut said for the 4th he has someone working with him to get more sponsors for more money for supplies and prizes. This will be the "second annual Wings of Death" competition.

Council Member Ross said we covered everything from the Planning Commission tonight.

Council Member Stoor reported the Tree and Rec committees are meeting tomorrow at 6:00pm to discuss Iron Mountain Park and Iron Works Park. He is working on an idea for an interfaith community service project in June and he will reach out to the other churches. This would be a City clean-up project. Earl offered extended dumpster hours for the event.

Council Member Harris reported the Water Board met on the 9th and discussed the water technology company that wants to come here to map for underground water. The determination was to follow the lead of the Conservancy District and the project may have to be bid out per State bidding requirements. This is promising technology for finding water. Also they discussed new water legislation and if Enoch should do something to start paying for the west desert water we will need for the future. There are no numbers yet.

Council Member Lee said she heard back from Sam Grimshaw on SR-130 and he really was appreciative of allowing UDOT time in the last meeting. Robert Dowell, a UDOT Engineer, was talking about beginning meetings with Enoch and the county regarding accesses off of SR-130. City Manager Dotson wrote a letter saying we want to be included in those talks.

11. ADJOURN-Motion to adjourn by Council Member Harris. Motion seconded by Council Member Ross and all voted in favor. The meeting ended at 7:47pm.

Julie Watson 6-5-19
Julie Watson, Recorder Date