

MINUTES
ENOCH CITY COUNCIL
May 18, 2022 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road
Join Zoom Meeting
<https://us02web.zoom.us/j/82367760442>
Meeting ID: 823 6776 0442

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 -absent

Public Present: Jolene Lee, Ross Chatwin, Micah Olson, Quinn Ertle, Garrett Sudweeks, Zeno Parry, Shad Ashton, Wade Wilcock, Lu Finlay, Gay Matheson, Gaylen Matheson, Ted Moleff, and Holly Haymond on Zoom.

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

- a. **Pledge of Allegiance-**Led by Mayor Chesnut
- b. **Invocation (2 min.)-Audience invited to participate-**Given by Council Member D. Harris
- c. **Inspirational thought-** none
- d. **Approval of Agenda for May 18, 2022- Council Member D. Harris made a motion to approve the agenda. Council Member Ross seconded and all voted in favor.**
- e. **Approval of Minutes for May 4, 2022- Council Member Jensen noted that on item number 13, he voted no. Council Member Ross made a motion to approve the minutes with the requested change. Council Member D. Harris seconded and all voted in favor.**
- f. **Ratification of Expenditures- Council Member D. Harris made a motion to approve the ratification of expenditures. Council member Ross seconded and all voted in favor.**
- g. **Conflict of Interest Declaration for this agenda-**none stated

2. PUBLIC COMMENTS-

Jolene Lee said she had worked on two projects while on the City Council. She is passionate about understanding the history of Enoch. She spoke about some of the people that were here before and where were they came from. The conversation led to the Enoch trail markers that are now in place with help of older original family residents. Next, she spoke about the roundabout. The panels that will go on it explain some of the history of Enoch. She gave many details of the process and history and the people. The trail system marks some of the incredible stories with markers displayed. The Council funded this project and she is grateful.

Gaylen Matheson gave more details about the pioneer ancestors related to many people living here now. He listed some of the sponsors that donated.

Mrs. Lee and Mr. Matheson encouraged everyone to go see the trail and markers. Mayor Chesnut thanked them for the work.

3. PUBLIC HEARING ON THE 2022-2023 TENTATIVE BUDGET

Council Member D. Harris made motion to close the regular meeting and go into the public hearing on the 2022-2023 budget. Council Member W. Harris seconded and all voted in favor.

Mayor Chesnut invited public comments on the budget. There were none.

Council Member D. Harris made motion to close the public hearing and go into the regular meeting. Council Member W. Harris seconded and all voted in favor.

4. RESOLUTION NO. 2022-05-18-A A RESOLUTION APPROVING THE 2022 2023 TENTATIVE BUDGET

Mayor Chesnut asked Ashley Horton if she had any comments. She explained that she had been working on the General Fund and cut some things for a deficit of \$58,000. She tried to cut expense lines and be conservative on sales tax. She went into more detail. Last year we ended at \$928,000 for sales tax and estimate around the same amount this year. We can make up the deficit with that. Council Member Jensen was concerned about changing numbers because we feel like it. Mayor Chesnut said this is a projection and we have historic evidence to back it. Council Member D. Harris concurred and explained more. Ashley said there is still \$20,000 less than last year so; this is not a blind guess. It's still conservative. Mayor Chesnut said government is not a business except for enterprise funds. Mayor Chesnut cited transparency in this process, which we have. Ashley says she can balance the budget. City Manager Dotson said this copy today will change because we are getting close to end of the fiscal year and it changed because we have more funds and there are adjustments. City Manager Dotson discussed property tax increase, as it was designed every year because of inflation and other things like added services. That was the intent but is a political football now so most avoid it like the plague. Do they want to talk about tax increase? It covers the Police Department, roads, etc. and all use that. Mayor Chesnut gave some history and suggested not doing it every year, but said that it should be considered more often. The last one was the first one in City's history. We need to focus on transparency and have conversations with community members. It is a necessary evil because nothing is free. Council Member D. Harris said we need to keep ahead of inflation with small yearly increases. This way it is not such a big hit as it is after decades of no increases. Mayor Chesnut said we need education of the public on exactly what the increase would be for. Ashley suggested that we start this in February of 2023. There was discussion of needs for the next budget year of 2023-2024. Ashley discussed some individual items, such as the dump, with pending one-time purchases needed to keep it open. She listed other items that need to be looked at. Council Member Jensen said he went through the whole thing line item by line item. He said he failed to see the big picture and is not ready to vote on this until he got some clarification. He asked many detailed questions and Ashley answered each line-item inquiry with input from City Manager Dotson and Mayor Chesnut.

Council Member D. Harris made a motion to approve the 2022-2023 tentative budget with adjustment to sales tax. 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 W. Harris: Yea	Council Member Jensen: No
Council Member Stoor: Yea	

5. SET A PUBLIC HEARING FOR JUNE 1, 2022 FOR THE 2022-2023 FINAL BUDGET AND CERTIFIED TAX RATE APPROVAL

Council Member D. Harris made motion to set a public hearing for the 2022-2023 final budget and certified tax rate approval on June 1, 2022. Council Member W. Harris seconded and all voted in favor.

6. CONSIDER THE PRELIMINARY PLAT OF DAIRY GLEN SUBDIVISION, PHASE 2-Platt & Platt –See Planning Commission Rec.

Council Member Ross said this came forward from Planning Commission with a favorable recommendation. City Manager showed the location on the map. It is north of Dairy Glen phase 1. He explained the history of it. There was a brief discussion about the access to this subdivision. City Manager Dotson showed where a 66 foot right of way is located.

Council Member D. Harris made motion to approve the Preliminary Plat of Dairy Glen Subdivision, Phase 2. Council Member Jensen seconded and all voted in favor.

7. CONSIDER RESOLUTION NO. 2022-05-18-B A RESOLUTION TO AMEND THE ENOCH CITY FEE SCHEDULE

City Manager Dotson noted the fees were previously changed and this adds some language to clarify. He gave many details in a story form of the challenges we have had. We needed a rule for how long someone can keep a valve or meter. Someone is watering livestock with one and has had it for years. This is meant primarily for developers to build and compact roads. There was recent history of someone watering a field with culinary water. Farms cannot use any water unless they are metered and they will have to deed us water rights. This protects water resources. Mayor Chesnut thought the fees should be higher. There was discussion of the pros and cons. Mayor Chesnut said we need better control because this is cheap as of now. We are too trusting on this use. Council Member Stoor agreed that the water should be metered because it could potentially be mis-used. Everyone else in the City is metered, however, developers have not been. Council Member D. Harris said compaction requires a certain amount of water to do it properly. He wonders if people will take shortcuts to save money. Council Member Stoor noted that there are required inspections for roads. Mayor Chesnut said we are way undercharging for water usage. City Manager Dotson said more on this is coming in the water ordinance discussion and there are changes to be considered. Council Member D. Harris said he wanted to revisit this as often as they need to get it right. Council Member Jensen suggested they pass this resolution as it is for now and then get more information in the water rate change portion to move on. There was more discussion.

Council Member Jensen made a motion to pass Resolution No. 2022-05-18-B a resolution to amend the Enoch City Fee Schedule. Council Member D. Harris seconded and roll call vote was held as follows:

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

8. CONSIDER ORDINANCE NO. 2022-05-18-A AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 278.5 ACRES OF PROPERTY OWNED BY THE HARDIN FAMILY TRUST PARCEL #A-0909-0037, PARCEL # A-0909-0029, PARCEL #A-0909-0026 AND PARCEL #A-0909-0025 FROM SINGLE FAMILY RESIDENTIAL (R-1-18) TO SINGLE FAMILY RESIDENTIAL (R-1-11) - See Planning Commission Rec.

Council Member Ross questioned the amount of acreage that was shown on the map. City Manager Dotson said we used an annexation map so it is not current and some owners

shown on that map are not in this zone change. He put the map and location on the screen for everyone to see. The City held a public hearing in the Planning Commission. People were worried about where access roads will be and where water will be coming from, etc. There was discussion about access roads. City Manager Dotson said the developer will have to work all that out before he can develop. Dairy Glen roads will mesh in to this. There will have to be two accesses once there are 80 lots. City Manager Dotson gave details regarding sewer lines and other infrastructure.

Council Member D. Harris made a motion to approve Ordinance No. 2022-05-18-A an ordinance amending the General Plan Land Use Map And The Enoch Zoning Ordinance Zoning Map by changing the zoning of approximately 278.5 Acres of property owned by The Hardin Family Trust Parcel #A-0909-0037, Parcel # A-0909-0029, Parcel #A-0909-0026 And Parcel #A-0909-0025 From Single Family Residential (R-1-18) To Single Family Residential (R-1-11). Council Member Ross seconded and roll call vote was held as follows:

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

9. 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

City Manager Dotson said the Council had talked about this in the last meeting and he did not change anything. He had a conversation with the City attorney and a big concern was we are requiring a developer to put in basins and overflow has to go into our system through someone else's property. This was also Spencer Jones's concern. There has to be an agreement with other property owners. There was more discussion about "our system" in regard to private property. Council Member D. Harris said he was ok with this ordinance as it is in line with state code. City Manager Dotson said this is also following Cedar City's ordinance as well. There was more discussion of water flow and what natural flow means. City Manager Dotson detailed of some particularly flatter areas. Mayor Chesnut wondered if Enoch City will take care of the retention basin. City Manager said they will have to have an HOA to maintain those retention basins. We could require higher standards than state code. For example, we could require that the City's standards meet 150 year events instead of 100 year events. Council Member D. Harris said that is a tough thing to do and gave more examples. City Manager Dotson noted the differences between detention and retention basins. Mayor Chesnut gave an example of how this works for natural flow and capturing water in the retention basin. There can be alterations if your plan fails as it should not impact your neighbor. Council Member D. Harris said it needs to be designed intelligently to begin with. Do we add something in the ordinance that would force them to do it correctly or do we count on them, not wanting to be sued, to do it right? People should not have to sue developers who flood them because we didn't make put in a spillway. Mayor Chesnut said this is a model compromise to get a developer to do it right. Water should hit the street or our system without affecting adjacent property owners. City Manager Dotson gave an example of a detention basin up in The Ridge Subdivision and where water has always flowed naturally. Mayor Chesnut said it would be hard to prove where water has naturally flowed. This is about controlling the volume of water. All bets are off in "Act of God" storm like last summer. There was discussion regarding the pros and cons. Council Member Jensen said we are requiring them to control it and if it goes on private property then you have a problem. Council Member Stoor suggested some rewording before they vote on this. City Manager Dotson said because we don't currently have a law that says you have to put the water somewhere, a land owners have said they can keep dumping it where it always went. They think it is their right because it has always gone there in the past. That is why this came up. The landscape is what it is. Mayor Chesnut said if you

alter the natural flow you are responsible. There was discussion of the ravine and the impact of natural flow.

Council Member D. Harris made motion to table Ordinance No. 2022-05-18-B an ordinance amending the Enoch City Ordinance, Section 12.2600 Major Subdivisions, Item C #3 adding retention basins and bring it back at the next City Council meeting. Council Member W. Harris seconded and all voted in favor.

14. PRESENTATION ON PRECIPITATION & HYDROLOGY DATA FROM THE AUGUST 1, 2021 STORM-Garrett Sudweeks, Kairos Geodetics

Mayor Chesnut brought this item forward. City Manager Dotson introduced Garrett Sudweeks. He shared his background and details about the company. He wanted to find a way to benefit a small town directly in his data. Mr. Sudweeks referred to last summer's flooding which, he noted, was a 200-year event. He presented an incredible slide show that illustrated how the water flowed into and through the City. The City's 100-year flood standards would not have helped in this case. The suggestion was maybe the City doesn't need to resurvey the whole City, street by street, as there are other methods to calculate a flood model for Enoch. City Manager Dotson said he was asked to talk to the Council for this reason regarding our need for a Master Drainage Plan. He gave details about the National Flood Insurance Program and FEMA maps and other maps. We need to be able to report that this area requires a certain type of construction for the conditions, per their requirements, in order for residents to be able to obtain flood insurance. Mr. Sudweeks said this will help developers and bring down costs by getting them away from overbuilding out of fear. He noted this is not a forecast, but can transition to that with the data available. We tend to incentivize detention basins which do not recharge the aquifer as retention basins do. We need to see impact of those choices. They can tune the model to get a forecast and not redo the whole thing. There is no need for several companies to do various parts of the project. This allows for better ways to plan for landscaping and different things that will affect where water goes without high-cost studies by many specialized with licenses who don't usually work together. He detailed his company's process. He challenged them to try to come up with an application because you can't tell people this applies to everything. The City Council said they liked the idea of incorporating this into Enoch's drainage study. City Manager Dotson wanted to know if the City Council wanted to get a quote from them to implement this into our study. They liked the idea and said yes. They are already working on our master plan with NRCS as well as the impact fees study. They will get a quote. City Manager Dotson said it is one big plan with different parameters. This gives accurate underlying data and will cost some money. There was discussion on costs.

**10. CERTIFICATION OF PETITION FOR ANNEXATION FOR PROPERTY OWNED BY CAMERON ROMNEY AND RYAN JUDD-PARCEL #-D-0573
City Recorder**

Julie Watson said we received the petition for annexation and it meets all of the requirements so noticing will begin. No action required. City Manager Dotson pointed out the location, which is off of Driftwood Lane.

**11. 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 wanted to confirm that this is just the first pass at this. City Manager Dotson said this is for the proposed changes to the ordinance. He explained each item and what it will mean in detail. He noted some concerns from Water Board members. They did not vote on

the overall ordinance but expressed yes or no on each item and he recapped. Member of the Planning Commission did the same thing and will set a public hearing in their next meeting. The idea is the City Council will discuss each item and go through the process to discuss them. Some things may need to be taken out and some may stay. Mayor Chesnut said some version of this needs to be addressed. He gave details of recent changes from state engineers and others that will affect our deliberations and actions. He does not agree with all of this. He said they will all have ideas on these things and it is close, but not perfect. He asked that they review it, think about it, make notes, and think of questions. We have to do something Council Member D. Harris said. There are no 1934 water rights to be had at any price right now. We have to figure out something so people can do things to build their homes. GMP is in charge of this and messed with the market. Everyone is in need of water and those who own it understand that. Council Member D. Harris gave other detailed examples. We need to do something to sort out what we have now. He felt it is best to protect Enoch City and provide water in a flexible way. Mayor Chesnut suggested they study this and then precede in future discussions during other meetings. Mayor Chesnut said in June they will have a light agenda to go over this item and really get into it. No action was taken.

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

City Manager said the City has been providing trash pickup for these two municipalities for many years. We need a contract/agreement to keep up with the service. The agreements we have now are really old and needed revamping. In the past we have always given them the cans and now we charge \$95 per can. They are renting the can for as long as they live there. They will not own the can. The previous agreement did not spell that out. City Manager Dotson gave examples about missed cans on trash pick-up days, such as, they did not put can out and expect us to come back. We cannot go back for those missed cans. He listed the fees charged, but won't put them in the agreement as they can change. They will be able to give input regarding the fees and can at least agree to them. City Manager Dotson listed the City's responsibilities. We do not allow any toxic waste, dirt, rocks etc. We are good on our costs and are making money as we should for an enterprise fund. The Council discussed rates and how they can be raised. They also discussed this being a five year contract with compensation, as well as other changes for rewording. Mayor Chesnut will rewrite both contracts and bring them back with options for noticing, etc. No action was taken.

Council Member D. Harris made motion to table items 12 and 13 until adjustments are made and bring them back at the next meeting on June 1, 2022. Council Member W. Harris seconded and all voted in favor.

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

Council Member D. Harris made motion to table items 12 and 13 until adjustments are made and bring them back at the next meeting on June 1, 2022. Council Member W. Harris seconded and all voted in favor.

15. CONSIDER RESOLUTION NO. 2022-05-18-C A RESOLUTION APPROVING THE LETTER OF SUPPORT FOR THE 2022 MPDG GRANT APPLICATION FOR THE I-15 SOUTH IRON COUNT FREIGHT, MOBILITY, AND SAFETY PROJECT

City Manager Dotson explained what this letter of support means in detail. UDOT is going to be widening I-15 and the South Interchange of Cedar City. They will be redesigning it because of the potential failure in the next 3-5 years. There is no funding involved from us.

Council Member D. Harris made a motion to approve Resolution No. 2022-05-18-C a resolution approving the Letter of Support for the 2022 MPDG Grant Application for the I-15 South Iron County Freight, Mobility, and Safety Project. Council Member Jensen seconded and a roll call vote was held as follows:

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

16. COUNCIL/STAFF REPORT

Hayden White said he rented a long arm for a few days. They also cleared a pond out. He will be renting a loader to dig out the ponds that don't need engineering, working on well house and work orders. He informed the Council about wells and issues they have. By this time next year, a new tank will be installed and there will be fewer problems with alarms going off on tanks getting low. He talked about possible secondary irrigation expansion, however, there are issues. He is watching the budget in his department. Council Member Jensen asked about picking up foreign cans and Hayden said no pick up on those.

Chief Ames noted that Officer Pires' last day will be May 27th and he is looking over the roster for candidates they have already to take her place. He talked about kids that were in an accident while driving a four wheeler that rolled on Driftwood. They were taken to the hospital and are recovering, but it was serious because they were going too fast on gravel.

City Manager Dotson said the pond is staying full in Settlers Square, so we sent a letter to the residents.

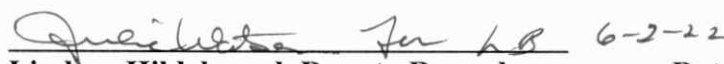
- 17. CLOSED SESSION TO DISCUSS ONE OR MORE OF THE FOLLOWING: THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, COLLECTIVE BARGAINING; PENDING OR REASONABLY IMMINENT LITIGATION, THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF WATER RIGHTS OR WATER SHARES; DEPLOYMENT OF SECURITY PERSONNEL, DEVICES OR SYSTEMS; INVESTIGATIVE PROCEEDINGS REGARDING ALLEGATIONS OF CRIMINAL MISCONDUCT.**
(Requires a roll call vote with 2/3 majority)

Council Member D. Harris made a motion to close the regular meeting and move into a closed meeting. Council Member Ross seconded and a roll call voted was held as follows:

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

- 18. ACTION FROM CLOSED MEETING- CONSIDER FINAL AGREEMENT FOR BLUEBIRD WELL AND 6000 NORTH DEED OF DEDICATION**

- 19. ADJOURN-motion to adjourn by Meeting ended at 9:45.**


Lindsay Hildebrand, Deputy Recorder Date Meeting ID: 823 6776 0442