

MINUTES
ENOCH CITY COUNCIL
September 16, 2015 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Robert Rasmussen
Council Member Destry Griffiths-phone
Council Member Steve Johnson
Council Member Kirk Lovell
Council Member Gary Wilcken
Council Member Mike Olenlager

Staff present:

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

Public present: Jolene Lee, David Harris, Dilworth Armstrong, Courtney Villnueva, Jay & Trish Callaway, Carolyn & Ken Bauer, Michelle Pritchard, Ray Whittier, Worth Grimshaw, Shawn Stoor, Jared & Lisa Baker, Debra Ley, Rich & Hillary Hollingshead, Melanie & Ryan Johnson, Brent Taylor, John & Lisa Brown, Jenny Douglas, Cassie Easley, Bob Graul and Raelyn Johnson

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Council Member Olenlager who was conducting in Mayor Rasmussen's absence. He asked for a motion to make him Mayor Pro-Tem for this meeting. **Council Member Wilcken so moved. Motion was seconded by Council Member Johnson and all voted in favor.** He excused Mayor Rasmussen who was ill. He also excused City Manager Dotson who was at a conference and Council Member Griffiths who was working saying both are participating by phone tonight.

- a. **Pledge of Allegiance-**Council Member Johnson
- b. **Invocation-**Audience invited to participate-Given by Ken Bauer
- c. **Inspirational thought-**Given by Council Member Johnson
- d. **Approval of Agenda for September 16, 2015-**Motion to approve agenda by Council Member Wilcken. Motion was seconded by Council Member Lovell and all voted in favor
- e. **Approval of Minutes for September 2, 2015-**Motion to approve minutes by Council Member Lovell. Motion seconded by Council Member Wilcken and all voted in favor.
- f. **Conflict of Interest Declaration for this agenda-**none stated

2. PUBLIC HEARING REGARDING CIB APPLICATION FOR "COMPREHENSIVE DRAINAGE PLAN" FUNDING

City Manager Dotson said the estimated price for the comprehensive drainage plan is \$20,000 total with Enoch matching \$10,000. Mayor Pro-Tem Olenlager asked for a motion to enter the public hearing. **Motion to enter the public hearing by Council Member Johnson. Motion seconded by Council Member Lovell and all voted in favor.**

Mayor Pro-Tem Olenlager invited public comments.

Melanie Johnson said she is excited about this plan and commented to say it is an opportunity for residents to work together to make Enoch a safer and more beautiful place to live. Many bought starter homes here and fell in love with living here. There are issues with infrastructure and drainage issues and we want to see Enoch invest to make it better and so they can stay here and not have to deal with it constantly. This plan if done properly is a huge opportunity to improve

the City. Please support the plan and the execution of the plan. She said she is 100% in favor of investing in our community.

Lisa Brown said she also supports moving forward with the application and executing the plan. Enoch has grown and we need a master plan to follow and it would save money in the long run. She said this is a good avenue to move forward and she supports it.

Jared Baker said he wants to thank and applaud the City Council, officials and employees who helped to help make the investigation and study come to fruition. A common sense master plan for the community is what we need to make this be a safe place we can be proud of. That being said he is in favor of not just getting the plan but the execution of that plan. They all want to live in a nice community. We will come together to work on for the betterment of the community.

Courtney Villanueva said she supports this plan too and to make the improvements to make Enoch a safer community where we all want to live.

Debra Ley said she wants to know who is involved in creating the comprehensive plan. **Mayor Pro-Tem Olenlager said we have hired an engineer. Council Member Wilcken said he met with City Manager Dotson, Dan and Tim Watson and explained this is an application to get funding for the plan. We don't know what that plan will be. Our engineer has guidelines. The plan may be millions of dollars to implement. There will be more public hearings when the question of implementation comes up.**

Ken Bauer said he is glad Council Member Wilcken cleared it up that this application is just for the funding for the plan.

Ryan Johnson said he supports the plan and we will see what needs to be done. He said he has lived in this area for a long time and noticed that smaller communities seemed to have better infrastructure and sidewalks than Enoch did. As he had a family he found housing in Enoch was affordable and it was nice here. It has been a frustration that there was not the basic infrastructure of a city. We need to act as a city and act in our own interests to get the infrastructure we need.

Jenny Douglas on Utah Trail said she came to say she is supportive of this plan as Enoch is a great place and she would like to see better infrastructure. She thanked the City Council.

John Brown said he has a friend in Paragonah who told him they only have one new house built per year. Enoch is not that way. There is growth here and he supports this plan and to plan for the future. Not to be like Cedar City but it is about planning for the growth and new homes and drainage is important. He thanked the City Council.

There were no other comments.

Council Member Johnson made a motion to end the public hearing. The motion was seconded by Council Member Wilcken and all voted in favor.

3. DISCUSS ZONING ORDINANCE CHANGES TO COMMERCIAL ZONES

Mayor Pro-Tem Olenlager asked for someone to lead the discussion. Council Member Wilcken recapped saying he met with David Owens and David Harris and that generated the changes they see to the ordinance. The main sticking point was the 20% landscaping required. They also lined through some things that would be hard to enforce and added some wording. City Manager Dotson sent it out by email ten days ago and the changes are in the packet. He said David Harris of the Planning Commission sent out aerial views of businesses that show 20% or more in landscaping so they could see how it appears. David Harris said 20% landscaping is not excessive or overly burdensome. Council Member Wilcken said the Church has requirements on their property and the numbers are over 20% in landscaping. That is something the Church chooses. It is not us compelling them to do that.

David Harris said he agrees most businesses will already do a good job. Businesses want to look good and attract business. Council Member Wilcken said he is concerned with those who want a business that does not comply exactly with this. David Harris said the Design Review Committee can say what is acceptable on a case-by-case basis.

There was much discussion of the required amenities that were listed in the zoning requirements. If the amenities are limited to that businesses' customers only then they don't count towards the 20% landscaping requirement. Council Member Johnson said he was concerned about the requirement to landscape and maintain the road right-of-ways in addition to the 20%. With a larger business if it is adjacent to residential they have to do even more landscaping. To him it is disturbing to be required by law to have to do all that. David Harris said much can be xeriscaped too, using gravel and low impact landscaping and we want to encourage that. Parking strips are not included in the 20% but that could be changed to include the park strips.

Council Member Wilcken questioned why this is case-by-case basis and does not apply to all. He sees loopholes that don't make sense. He asked how this affects Family Dollar. The old requirement was 5%. It was noted that this will apply to new businesses coming in after the ordinance is in force. David Harris noted this is a common standard across the State. Most want to do this to promote their businesses. Council Member Wilcken said he struggles with making a business do this much adding we desire to plan appropriately and also desire to let the owner do what he wants with his property. The ordinance says building materials should be the same and he does not know if we can require that.

Council Member Johnson said in N-C it says buildings need to be compatible with residential architecture. David Harris explained the Neighborhood Commercial (N-C) zone is different than the other commercial zones because it covers businesses located in residential neighborhoods. This is common in Cedar City now with homes being made into offices. A fast food business would not go into N-C. They would want to be in an area of major traffic flow so it is not about that type of business. The intent is to make businesses in neighborhoods blend in and not be disruptive to residents.

Jay Callaway of the Economic Development Committee (EDC) said to give the history for clarification, the ECD spent hundreds of hours researching this. They went to Cedar City as a group to look at what is comparable to what we want to do. Council Member Wilcken said most will comply because they want to and we are trying to find the balance between planning and allowing leeway for property owners. Jay said they took ordinances from all over Utah. Our goal was to say this is a guideline. All real estate is unique and if it does not apply to a property there are ways to work around that.

Council Member Wilcken said he could support it if it was a guideline but we are passing a law here. David Harris said most businesses affected by this ordinance are big money people and will do this anyway. We want to maintain property values and bigger businesses want to see a town that has a standard. Having a standard make it more attractive for business to come in. There was more discussion of the 20% landscaping and that it could be varied by the type of business and could be less. The things other cities have done have been incorporated because they found it solved problems before they happened instead of patching when it goes wrong.

Council Member Lovell said we should leave it as open as we can like include outdoor features in the 20%. We should come up with a minimum standard he said. Council Member Johnson said he does not care what others have done and we should do what we need. Enoch wants a small town atmosphere and we go to the Wasatch front to see what they do. That makes no sense. Personally he has issues with taking tax payer money to provide amenities for citizens. Now we want to force business owners to provide these things for the public and that is not right either. Council Member Johnson said freedom is the best answer. Businessmen start with a dream they want to realize and then they are confronted by regulations like this.

Council Member Wilcken said let's not beat this up anymore. We have identified areas of concern and we should send it back to the Planning Commission and EDC and let them rework it. Mayor Pro-Tem Olenslager said we looked at other places and what they do so as not to reinvent the wheel every time something comes up. He appreciates the effort and we are making it a law to get a better balance although we differ on what that means. David Harris said the City Council

has to say what they want. Council Member Johnson said give the maximum freedom possible and that should be the guideline for reworking the ordinance. They differ mostly on the landscape amounts. He added he has a problem with grandfathered things because everyone should be treated the same. City Attorney Turner said you can't make established businesses in place before a law changed to comply with it. The consensus was the Council wants the ordinance reworked and brought back when it is ready.

4. ORDINANCE NO. 2015-08-05-B AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES, CHAPTERS 17 AND 18 TO FURTHER DEFINE REQUIREMENTS IN COMMERCIAL ZONES

Mayor Pro-Tem Olenlager called for a motion. There was no motion so the ordinance was not acted on nor a time frame set to act on it.

5. DISCUSS AGING IMPACT FEES AND GIVE DIRECTION TO TREASURER

Mayor Pro-Tem Olenlager asked Dan to tell them what is going on. Dan said in the last meeting we discussed what to do with impact fees and that came up because he has to file a report with the State. He explained saying we collect impact fees at the time a building permit is issued. Those fees accrue in a special account until we have enough to do various projects related to growth. The law changed a few years ago to require that impact fees be spent within six years or an extension is required to be filed to hold them longer. We have to declare what we will do with the fees and when. He explained the fees are tracked in chronological order. If for some reason we do not spend or have not told the State specifically a date we will spend them we are supposed to give the fees back. We did that when we got rid of the secondary irrigation impact fee and with figuring interest and finding who actually paid the fee it is a mess. The bigger challenge is some projects are very expensive and it could take years to accumulate the necessary funds to do a larger project.

One pressing problem in the sewer company is we have \$636,350 that are aging out past the six year horizon. We earmarked that money for the outfall line we anticipated a need for when Parkview Subdivision was going. Now that has changed and that side of Enoch is not growing. We will need an outfall line out there eventually but not right now. Due to the foreclosure of the subdivision somebody else now owns the land and building we had invested in for the outfall line. In the CFP it anticipates upgrading other sewer pipes as the City grows so it is important to have the money when we need it. Dan said he and City Manager Dotson looked at options for the sewer impact fees and one could be the property acquisition we need for a drainage pond.

City Attorney Turner asked how old the impact fee analysis is. City Manager Dotson said we had it done in 2006 and then updated in 2011. At that time we raised the impact fee for water based on what the plan suggested. It was three years ago the State law changed to a six-year outlook instead of a 40-year outlook. Fees must be used, extended or given back. City Manager Dotson said we have a plan in the CFP and we have to use impact fees for what that analysis says to do. We need to build the outfall line or change the CFP. There is a "nexus" between impact fees for new growth and how that growth impacts the system. Plans for spending fees are stated in the CFP to cover that "nexus". Impact fees go to specific capital projects.

We have plans for street impact fees in the CFP. One project is to widen and pave Ravine Road in 2016-17. We extended funds out to 2023 for the Police Department's new building. Water impact fees are ok and parks funds have no deadline. City Attorney Turner said the impact fee analysis done in 2006 needs to be updated to reflect current conditions. Dan clarified that we had saved the sewer impact fees in anticipation of the Cedar City Wastewater Treatment plant upgrade which did not cost as much as projected and that is why we are having this conversation. Earl said another upgrade or expansion of the treatment plant is ten years out. The question was asked if we could use these funds to get a new analysis study done. Dan said the CFP covers the

whole City so maybe we do not need to re-do it but just update it. We could use the same engineering firm to update the data they already have rather than starting from scratch. The agenda item states the Council is to give direction to staff but they don't know what is involved and asked Dan to come back with some ideas and options. No action was taken.

6. PUBLIC COMMENTS

Ken Bauer said he does not doubt there has been work and study on City plans. There is a fine line on keeping stuff attractive in the City to not getting rundown. We have to allow businesses enough leeway to make their business unique and not be like their neighbors. He has seen cities all over and they all look the same. The Dallas skyline looks different because they don't have to match each other. It is nice to see that difference. No business comes in and does something run down looking. They will do it right and we want to keep Enoch attractive and not hamper them.

Melanie Johnson said on the zoning ordinance we are trying to cater to the exception. We want to protect against the exception. We talk about freedom but if a business looks bad that negatively impacts other businesses that then won't come in. That takes away our freedom with negative impacts on property values. If you are over lenient you will detract. We can be selective about businesses in Enoch.

Lisa Baker asked a question for staff reports. She is still concerned about finishing up Half Mile Road. It has not been restored to the condition the pictures that were taken before the project show. Please finish the fronts of their yards. The trash truck made a big rut just the other day.

Ryan Johnson addressed Council Member Johnson personally about what he said. He thinks that seeing Enoch as always being the exception and not being able to learn from others who have experience, is to lose out.

Cassie Easley said regarding zoning it was mentioned about loopholes in the ordinance. Why make an ordinance that has loopholes. Make it work and be solid to start with and be enforceable. If a new business comes in what is the repercussion for not doing 20% landscaping.

7. CORRESPONDENCE-none

8. COUNCIL/STAFF REPORTS

Earl Gibson said they are seal coating the roads next Tuesday morning and as soon as possible they will restore the fronts of the lots on Half Mile Road. They will drive on it and try to compact the material where it is soft.

Dan Jessen said the auditors will be here next week and we are ready to go.

City Manager Dotson said one thing that is most important on zoning is the fact that to be administratively sustainable we need zoning set up so we can plan for impact fee use. A big factor in the commercially zoned areas is their alignment with transportation. The commercial zones were described the way they were because they are located on major roadways. That is a big factor more than what the businesses look like. That is why descriptions of standards were put in the zones. The Council should consider the infrastructure to provide access to businesses.

Julie Watson reported there will be a new annexation coming to the Council on the next agenda. There were no other comments.

9. ADJOURN-Motion to adjourn by Council Member Lovell. Motion was seconded by Council Member Wilcken and all voted in favor. The meeting ended at 7:35pm.

Julie Watson, Recorder **Date**