MINUTES
ENOCH CITY COUNCIL
July 6, 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-absent
Council Member Jolene Lee
Council Member Dave Owens
Council Member Shawn Stoor

Staff present:
Julie Watson, Recorder
Dan Jessen, Treasurer
G. Kuhlmann, City Atty.-phone
Robert Dotson, City Manager
Jackson Ames, PD Chief
Earl Gibson, Pub. Works-absent

Public present: Dilworth Armstrong, Jerome & Tracy Heavyrunner, Robert & Susan Murdock, Betty Talbot, Connie Hurley, Darla Park, Toni LoConte and Rene Mardis

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00. He welcomed the audience.
   a. **Pledge of Allegiance-**Led by Dan Jessen
   b. **Invocation-**Audience invited to participate-Given by Jerome Heavyrunner
   c. **Inspirational thought-**Given by Council Member Lee
   d. **Approval of Agenda for July 6, 2016-Motion to approve agenda by Council Member Harris. Motion seconded by Council Member Owens and all voted in favor.**
   e. **Approval of Minutes for June 15, 2016-Motion to approve minutes by Council Member Stoor. Motion seconded by Council Member Harris and all voted in favor.**
   f. **Conflict of Interest Declaration for this agenda-**none stated

2. **PUBLIC HEARING ON VACATING FIVE-FOOT EASEMENT LOCATED IN TRAILS WEST SUBDIVISION, PHASE 11 BETWEEN LOTS 186 & 187**

Council Member Harris made a motion to close the regular meeting and enter the public hearing. Motion seconded by Council Member Owens and all voted in favor.
Mayor Chesnut invited public comments.
Jerome Heavyrunner asked where this is located and Council Member Harris explained the situation with the easement between two lots no longer being needed by the City.
Toni LoConte said her neighbors do not keep up their easements in Spanish Trails.
There were no other comments.

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

3. **ORDINANCE NO. 2016-07-06 AN ORDINANCE VACATING AN EASEMENT AS DESCRIBED IN EXHIBIT "A" AND LOCATED BETWEEN LOTS 186 & 187 IN TRAILS WEST SUBDIVISION, PHASE 11**

Mayor Chesnut asked for discussion or a motion. **Council Member Owens made a motion to approve Ordinance No. 2016-07-06, an ordinance vacating an easement as described in Exhibit "A" and located between lots 186 and 187 in Trails West Subdivision, Phase 11. 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 Johnson-Absent **Council Member Owens-Yes**
Council Member Lee-Yes **Motion passed**

4. APPEAL TO REVOKE CONDITIONAL USE PERMIT FOR AN AUTO REPAIR BUSINESS FOR SHANE SACKETT LOCATED ON DRIFTWOOD LANE-
Driftwood Lane Residents

Mayor Chesnut said this appeal is being brought to the City Council who acts as the Appeal Authority for Planning Commission decisions. City Attorney Kuhlmann, who was on the phone, said he wanted to lay the ground work for the City Council and the audience. He said there are claims from residents saying conditions are already being violated. Tonight this action is to answer the question, did the Planning Commission err in granting this conditional use permit (CUP) with the conditions. There is another process to determine if Mr. Sackett is in violation and that will take place at a later date. City Attorney Kuhlmann said he recommends that the City Council go into a closed meeting as the Appeal Authority to deliberate in private and express opinions. After deliberations we will prepare, in writing, their determination. It has to be in writing to be final and that written decision will not be available for the public tonight but at a later date.

Mayor Chesnut asked City Attorney Kuhlmann what the process is regarding the allegations of violations of the CUP. City Attorney Kuhlmann said the City will investigate and if there are violations then it goes back to the Planning Commission to consider revocation due to the violations. Mayor Chesnut confirmed he can instruct the City staff and PD to investigate the allegations and City Attorney Kuhlmann said yes, then we are all clear on the process. There was a brief discussion of the misunderstanding on the original process and which body was to make the final decision on the CUP. Mayor Chesnut confirmed with City Attorney Kuhlmann that tonight we are focusing on if the Planning Commission made a mistake in their procedure. Whether or not Mr. Sackett is in violation of the conditions will be determined later after staff or the PD take evidence. There needs to be specific allegations of what he is doing or not doing and we need proof. That way the process protects everybody.

There was considerable discussion by residents of Driftwood Lane of the wrongs they have observed and photographed. They also expressed dismay that this issue ever got to where it is now. Mayor Chesnut explained the constraints of State law in this process regarding the approval of CUPs. The City was required to approve this if conditions could be set to reasonably mitigate the issues such as noise, vehicle parking and so on. We want to protect property rights. If he does not adhere then we have a basis to revoke and shut down the business. Mayor Chesnut noted that the Planning Commission is not an elected body and have no power so that is why we have to go through this process which protects everyone. The State law allowed Mr. Sackett to apply Mayor Chesnut said, and he went on to clarify other points of the law. The residents interjected their comments about violations they have observed. Mayor Chesnut instructed staff to prepare an affidavit for those residents to list the violations they have seen and have their signature notarized. After the affidavits are received the city staff and PD will investigate the charges and if founded will refer the matter to the Planning Commission to consider revocation of the CUP. By following the process all are protected.

There was more discussion about the code and the original procedural errors which the City Council and Planning Commission corrected. Mayor Chesnut assured the residents they are being considered and heard but due process must be followed. It is a big thing to take away someone's rights to use his property and we are not saying his rights are greater than yours. It was noted they can only comment on the four conditions that were set by the Planning Commission which will be listed on the affidavit. The conditions set do not take away Mr. Sackett's basic rights that all people have. There was more discussion about the conditions and

noted he has the greater burden to refrain from noise after hours and the other conditional things given the scrutiny he is under. Wanting to run the business from the home created all these extra issues he needs to pay attention to. If the business goes away due to revocation of the CUP, so do the restrictions. Also there is a presumption of innocence until proven guilty.

Mayor Chesnut said to recap, the City Council acting as the Appeal Authority will discuss in a closed meeting if the Planning Commission followed the law. Then an investigation will be prepared for the Planning Commission based on the evidence residents submit. Mayor Chesnut said we are talking about removing someone's rights so it is not fast and it is important to have facts.

Mayor Chesnut asked for a motion to go into a closed meeting as the Appeal Authority to discuss the question if the Planning Commission fulfilled their duty properly regarding the CUP for Mr. Sackett. He noted again we were advised by our City Attorney to deliberate in private. **Council Member Harris made a motion to go into a closed session for the discussion. Motion was seconded by Council Member Owens and a roll call vote was held as follows:**

Council Member Harris-Yes	**Council Member Stoor-Yes**
Council Member Johnson-Absent	**Council Member Owens-Yes**
Council Member Lee-Yes	**Motion passed**

The Council adjourned to the breakroom at 7:00pm. The Council returned at 7:34pm. Mayor Chesnut said we heard the requested appeal of the Planning Commission decision regarding the CUP granted to Shane Sackett. The City Council deliberated and will issue a written opinion for the public at a later date. Not related to the deliberations he instructed City Staff to create an affidavit to gather evidence in relation to violations to be presented to the Planning Commission for potential revocation of the CUP.

5. PUBLIC COMMENTS

Dilworth Armstrong expressed thanks to staff and the 4th of July committee for having him be Grand Marshal of the parade.

Betty Talbot thanked the City Council for their service. ***Mayor Chesnut thanked the residents too, saying they take this seriously and want to make it right.***

6. COUNCIL/STAFF REPORT

Chief Ames reported they have been busy. They have 100 cases more than last year at this time with fewer officers. The new officers are at the academy and will graduate on August 4th.

City Manager Dotson said we did not get the trail grant we applied for. Also a scout is building five benches at Old Enoch Park and doing fund raising for the materials. He signed off on his project today.

Council Member Stoor said there are things he would like to accomplish at the Rec Complex and would like to find out some costs. With the grant not coming in the trail won't happen now so perhaps we could use some of the remaining funds for other things. Also there will be Eagle projects doing some things.

Council Member Harris said the Planning Commission will meet on the 12th and 26th and will be discussing changes to the CUP ordinance and commercial zoning. He said he would be absent from the City Council meeting on July 20th.

Council Member Lee said she heard the 4th was a knock out and she is happy that we had a great community event. For Enoch's 50th birthday to have Dilworth be Grand Marshal was great. She said there are other grants she would like to look into. She told about the Trails Committee who have had their third meeting with 10-12 people getting together to work on planning for trails. She said there are awesome people on the committee who are visionary and have plans for a

wonderful trail system. They will report to the Council soon. Their next meeting is set for July 27th at 6pm.
Council Member Owens thanked all staff and especially Susan Lewis and City Manager Dotson for their help with the 4th. Aly Tuttle in the office took care of the Car Show. Shelly did a great job with grounds keeping and everything looked great. He reported the EDC is working on business get-togethers and networking nights. Iron Days will be the next project.
Mayor Chesnut said 600 hot dogs served on the 4th and it came off very well.

7. ADJOURN-Motion to adjourn by Council Member Harris. Motion was seconded by Council Member Owens and all voted in favor. The meeting ended at 7:45pm.

Julie Watson 8-3-16

Julie Watson, Recorder **Date**