MINUTES
ENOCH CITY COUNCIL
September 7, 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 Jolene Lee
Council Member Dave Owens
Council Member Shawn Stoor-absent

Staff present:
Julie Watson, Recorder
Dan Jessen, Treasurer
Todd Sheeran, City Attorney
Robert Dotson, City Manager
Jackson Ames, PD Chief
Earl Gibson, Pub.Works

Public present: Michelle Pritchard, Scott & Gayle Long, Kirk & Roxie Allen, Jeremy Dunn, Ben Jordan and Carolyn Bauer

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 Johnson
- **b. Invocation-**Audience invited to participate-Given by Gayle Long
- **c. Inspirational thought-**Given by City Manager Dotson
- **d. Approval of Agenda for September 7, 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 August 17, 2016**-Council Member Lee noted item #4 was seconded by Council Member Owens. Council Member Johnson wanted to modify the end of item #3 regarding private property rights to add "where there is harm is being done". **Council Member Harris made a motion to approve the minutes with changes. Motion seconded by Council Member Owens and all voted in favor.**
- **f. Conflict of Interest Declaration for this agenda-**none stated

2. SWEARING IN CEREMONY FOR TWO NEW PD OFFICERS

The City Recorder gave the Oath of Office to the two new officers Anders Humphreys and Josh Hildebrand. Mayor Chesnut said this is an important event for recognition of their hard work and desire to serve the community so we wanted to have this ceremony in a public meeting.

3. DISCUSS PROPERTY AUCTION CHANGES

Mayor Chesnut asked City Manager Dotson to explain this change to the Council. City Manager Dotson said at the last meeting the Council authorized the sale of surplus property and in checking the ordinance we found that online sales was not included. When we had this type of sale last year we had very limited exposure and did not have a large enough market to get the bidding going. The internet is a better way to dispose of property on the website public surplus.com which has exposure to the whole country. We are set up with them and need to amend the ordinance to be able to do this.

4. ORDINANCE NO. 2016-09-07-B AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES, TITLE 8-000. MUNICIPAL PROPERTY CHAPTER 8-100, REGULATION AND CONTROL

Mayor Chesnut asked for a motion. **Council Member Harris made a motion to approve Ordinance No. 2016-09-07-B, an ordinance amending the Enoch City Code of Revised Ordinances, Title 8-000, Municipal Property Chapter 8-100, regulation and control. Motion was seconded by Council Member Lee and a roll call vote was held as follows:**

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

5. DISCUSS CHANGES TO ZONING ORDINANCE, CHAPTER 5

Mayor Chesnut asked Council Member Harris, who is the liaison with the Planning Commission, to take the Council through this. Council Member Harris said these changes seek to resolve some of the problems that have come up. Referring to the draft he said any language added is underlined and things to be removed have strike outs. We are separating the land use CUP and the home occupation CUP to differentiate between the two types because they are handled differently. City Manager Dotson clarified that the two processes were intermingled in the current ordinance resulting in confusion. City Attorney Sheeran said land use is related to the land only and not the business. It stays with the land however owners can change. The home occupation CUP ends if the use changes and is not transferrable. Home occupation CUPs are approved by City staff if conditions as listed on the business license application are met. If not approved, it could be appealed to the Planning Commission. Council Member Harris went through the ordinance one page at a time with input from the Council Members which mostly simplified the language being presented by Planning Commission recommendation. A few points of discussion were as follows:

- There was a discussion of the meaning of "adjacent" owners and noted that those are properties that are touching the land, behind the land or directly across the street from the land in question. Those residents will receive certified mail written notice. Due to the cost of certified letters the applicant for the change would pay the cost. We still post notices publicly in other places like the newspaper, meeting agendas and websites. Any member of the public can come to the meetings and public hearings to let their feelings be known however that does not always affect the decision.
- City Manager Dotson said our attorney proposed some changes today that should be considered. City Attorney Sheeran said in 5-1 the definition does not comport with the statutory language and should be changed to what the statute says. Statutory language should be consistent throughout the document.
- On page 4 there was a discussion of ambiguous and subjective language and it was noted that was what caused some of our original issues so we attempted to limit subjective language to the extent possible. City Attorney Sheeran recapped from State law where the Planning Commission shall recommend to the City Council for approval, approval with conditions or denial. More discussion by the Council resulted in striking some other ambiguous language. There was a discussion of time limits in regard to CUPs which would be a condition set by the Planning Commission. Also non-use or change of use will end a CUP. There was a discussion of nuisances which are addressed in another part of the Code and should be cross-referenced.
- Moving to home occupation CUPs the key is to clarify that any business use is clearly subordinate and secondary to the use of the home as a residence. Things like off-street

parking, vehicle GVW, impact of traffic and things that could be issues in a residential area were discussed. If building a structure is required for business then a site plan must be approved in advance of any permits being issued.

- One important discussion in Planning Commission was the idea that some types of businesses do not belong in residential zones and we should be very specific on what is allowed. Some types of businesses can be prohibited from residential zones. This is an administrative action which makes it subjective. City staff would say NO to an application for an auto sales or repair business in a residential zone. There would not be an avenue for a CUP to be approved.
- Signs were briefly discussed and noted that a business sign can be placed at the residence and also in any public area per our current sign ordinance.
- In regard to home occupation CUPS no PC action is required unless someone wants to appeal a City staff action such as disapproving a business application. If the applicant can't meet the requirements the answer is NO.

Council Member Harris recapped to say we will add the statutory language and other changes as discussed and get a clean copy to review at the next meeting before passing the ordinance.

6. ORDINANCE NO. 2016-09-07-A AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 5, REGARDING LAND USE CONDITIONAL USES AND HOME OCCUPATION CONDITIONAL USES

Mayor Chesnut asked for motion to table the ordinance until the next meeting. **Council Member Owens made a motion to table Ordinance No. 2016-09-07-A, an ordinance amending the Enoch City Zoning Ordinance, Chapter 5, regarding land use conditional uses and home occupation conditional uses until the next meeting. Motion was seconded by Council Member Harris and all voted in favor.**

7. PUBLIC COMMENTS-Mayor Chesnut invited public comments.

Ben Jordan said he loves to see this type of discussion because he started his business as a home occupation and it is great to encourage that. He thanked the City Council.

Scott Truman said he lives in Cedar City and is here to introduce himself as a candidate for County Commission on the Democratic ticket. He passed out a flyer adding he applauds their efforts and has served on a City Council before. He said he is running for Seat A against Mike Bleak and he wanted to state a few things about his philosophy. He told more about his past experience and qualifications. Mayor Chesnut thanked him.

Gayle Long of 4792 Half Mile Road said they are new to Enoch and they were approved for work on the asphalt and culvert in front of their house which has failed. City Manager Dotson said he would look into that. Also she asked Chief Ames about traffic patrol on Minersville Highway where speeding is a big problem. ***Chief Ames said they have been patrolling more now adding if she gets a license plate number he would follow up.***

8. COUNCIL/STAFF REPORT

Earl Gibson reported they are ready to start chip sealing but does not have the exact date yet. They will do Hwy. 91 from the northern boundary to Enoch Road and Enoch Road north of 5250 N. and TD Circle. They have a list of potholing to patch and some is on Half Mile Road.

Chief Ames said the PD is busy which is normal. They are into the 5th week with the new officers and they are doing good job and learning the ropes.

Dan Jessen reported the auditors came and left and they were very thorough. He said they had to find things due to the instructions from the State Auditor who is a politician and not an auditor. They were instructed to dig deep to find things. They asked for items they do not usually look at

and came up with two findings. The findings were the sewer company where there is a net operating loss of $4,500 or so and we were not surprised by that. Their official recommendation is that we raise sewer fees and we recently did that in anticipation of this shortage. Another minor thing was the minutes were not being posted to the Public Notice Website within 72 hours and that has now been addressed. Dan said he wanted to address the fact that there were some salary increases that affected things but they did not go into effect until July 1st so that did not affect the sewer shortfall. He asked the Council if they wanted the auditors to come to talk about this more. The Council said it would be good enough to look at the written report. Dan added the State Auditor has been in the news for going after municipalities and other entities for minor things including things that are in their budgets. He is trying to make a point and is cracking down and that is the environment these days.

City Manager Dotson reported there will be a power outage scheduled on Monday September 12th between 8:00am and 3:30 pm on Santa Fe, Escalante and Oregon Trail. He reported the ICCC met today and are starting the process of creating a committee to formulate a ground water management plan instead of waiting for the State Engineers office to create one. They are working with all stakeholders on this plan.

Mayor Chesnut we need executive session to discuss strategy for the purchase of real property.

Council Member Harris said what we did tonight was the culmination of a lot of work by the Planning Commission and now the Council's thorough review as well.

Council Member Lee reported there will be a Water Board meeting tomorrow. She said she went on a field trip to see the yards of the month chosen this summer and she commends the Tree Committee who selected the yards. She also commends the residents for their hard work to create beautiful yards.

Council Member Owens said the EDC will meet tomorrow and some things are coming up with them. On Sept. 17th is Enoch Iron Days which starts with breakfast at Old Enoch Park. There will be a Dutch oven cook off with cash prizes and medals.

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

Council Member Harris made a motion to go to into an executive session to discuss the purchase of real property. Motion was seconded by Council Member Owens a roll call vote was held as follows:

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

10. ACTION FROM EXECUTIVE SESSION

Council Member Harris made a motion to have an agenda item on September 21st to approve the price and purchase of real property. Motion was seconded by Council Member Owens and all voted in favor.

11. ADJOURN

Motion to adjourn by Council Member Harris. Motion seconded by Council Member Owens and all voted in favor.

Julie Watson 9-21-16

Julie Watson, Recorder **Date**