MINUTES
ENOCH CITY COUNCIL
October 5, 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-absent
Council Member Shawn Stoor

Staff present:
Julie Watson, Recorder
Dan Jessen, Treasurer
Gary Kuhlmann, City Attorney
Robert Dotson, City Manager
Jackson Ames, PD Chief
Earl Gibson, Public Works

Public present: Dilworth Armstrong, Lynn & Valerie Nielson, Andy Burt, Rob Lee, Blaine Hoefling, Dave & Julie Nelson, Todd Sheeran and David Lawrence,

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 Julie Nelson
c. **Inspirational thought-**Given by Council Member Johnson
d. **Approval of Agenda for October 5, 2016-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 Sept. 21, 2016-Council Member Stoor made a motion to approve the minutes. Motion was seconded by Council Member Harris and all voted in favor.**
f. **Conflict of Interest Declaration for this agenda-**none stated

2. RECOGNITION OF DAVE NELSON

Mayor Chesnut said Dave served the City for more than a decade and he presented a plaque to Dave. City Manager Dotson said Dave was elected to the City Council in 1995 and served 2 ½ terms. Eleven years ago he became the City Building Inspector. Since then we have had a huge amount of growth in Enoch. Dave also served on numerous other committees for the City. His impact will be felt for many years. Mayor Chesnut thanked him for the good work adding Dave continued to help us in our transition after going to work for Cedar City. Dave passed on his hard hat, stop sign and crossing guard jacket to Lynn Nielson, the new Building Inspector/crossing guard. There was applause and Dave thanked everyone.

3. UPDATE FROM GATEWAY PREPARATORY ACADEMY

Mayor Chesnut invited the representatives to come up to give an update to the City Council. Andy Burt, Gateway Principal introduced Rob Lee who is in charge of the after school program. Rob Lee said they have about 125 kids who attend regularly. About 50 are not Gateway students but are invited to participate. This is possible through grants. He told about how the grant funds ½ million over five years saying they got that grant due to the support of the City and other sponsors around town. Our support allowed them to put forth a strong proposal and they were awarded the grant. He said they consider Enoch a partner and think this has been a very successful program for which they say "thank you" to the City. There are only seven grants given out throughout the state Principal Andy Burt said.

4. DISCUSS/VOTE ON PLANNING COMMISSION RECOMMENDATION REGARDING LETTER TO UDOT ON I-15 INTERCHANGE

Mayor Chesnut asked Council Member Harris to explain this action to the City Council referring to the Planning Commission recommendation in the packet. Council Member Harris gave the history of the I-15 interchange discussion dating back to 2007-8 when we evaluated our planned roads. He said there are two main thoroughfares into Cedar City; Hwy. 91 and Minersville Hwy. Enoch road is also a collector and Midvalley Road is the East/West collector. In planning for the future there was a discussion of the planned I-15 interchange and we chose the best location in the middle after commissioning a study. Also planned is the Iron County belt route meant to help with truck traffic. We would like to see the belt route connect to that proposed middle interchange site which would allow traffic to flow as another East/West collector road for Enoch residents to use to get to Cedar City and the many employers on Hwy 56. Also when the gorge is closed to trucks that belt route would help divert truck traffic.

There are other landowners who want the belt route to connect in Summit and that would not help Enoch residents at all. This letter is to encourage UDOT to consider our argument for the middle interchange site to connect to the belt route to help Enoch's traffic situation. The growth is here and not out at Summit. This will help with future traffic issues. Midvalley will get busier and busier and also Hwy. 91 by Maverik is getting clogged. We are appealing to UDOT to consider this proposition in light of current lobbying efforts by other landowners.

There was brief discussion of other considerations like the time frame, long term planning and the Alton coal trucks which was one of the main reasons for the belt route. City Manager Dotson described other things influencing this decision. Dan said it behooves government to provide the best use to the most people. UDOT does listen to communities and transportation committees. Council Member Harris said the Planning Commission thought everyone should sign the letter. Mayor Chesnut asked for a motion. **Council Member Lee made a motion to send this letter of recommendation to UDOT about the I-15 interchange connecting to the belt route. Motion was seconded by Council Member Harris and all voted in favor.**

5. DISCUSS CHANGES TO CODE OF REVISED ORDINANCE, TITLE 14-000, UTILITIES AND OTHER CHANGES REGARDING WATER

In discussing changes to the draft ordinance Council Member Johnson said he has talked to people about this and he favors what Council Member Lee suggested referring to setting a date on water rights we will accept to protect the City's water. It was noted that there will be a cascading effect when a date is set by any agency. The date is not in the current draft but would go into clause 14-113. The Water Board took it out however the City Council may want to think about adding it back in. Council Member Johnson said he thought it should be 1944 or whatever date comes from the State Engineer. He added setting a date would affect the free market however the State is the one really doing that with creating the Groundwater Management Plan. We are just protecting the City. Council Member Stoor said when the recharge system goes in that may change things with the aquifer. It was noted that could be years away.

City Manager Dotson said because we do play in this field we do have an impact. The City has to keep water forever so we impact the free market when we take water rights into the City. Council Member Harris said if the recharge works we can always change this. We are potentially making someone's real property valueless in Enoch or increasing the cost to build or develop. Council Member Harris said we are protecting the City's water by taking this step now. Council Member Lee said we should do the most prudent thing for the City's best interest based on what we know now. Currently we have to accept any rights. Enoch's strength is that we have been very prudent water planners and we are in a good position because of that. We don't want to

lose it. She said she has talked to those knowledgeable about water who think it is important to set a date. We know it affects the attitude we put out regarding growth if they have to bring more expensive water. Another way to look at it is developers are also being protected by Enoch in doing this. Council Member Harris asked why the Water Board took the date off of their recommendation. Council Member Lee said this was a split vote. They all had stated conflicts of interest and own water rights.

Council Member Stoor said he had other issues on 14-184 referring to dates regarding watering between 10am and 6pm. This limits kids from playing in the water in the summer and he thinks that is too much. We also need to include the secondary irrigation systems in this ordinance as it was not specifically referenced. City Manager Dotson said beginning April to October outside irrigation of lawns is prohibited between 10am and 6pm. Council Member Stoor said we should not prohibit watering plants and pots and letting kids play. He wanted to change that so it is not a violation. In times of severe drought we can put more stringent regulations on watering. City Manager Dotson discussed other small changes referring to the part about waste of water saying it is an infraction. We never came to a conclusion regarding investigating who is the "bad actor" and actually can't do that. We have to go to the owner. Council Member Stoor said if you have been notified three times you should be checking on things as the owner. This is meant for those knowingly in violation who choose not to comply. Changing some wording addresses the issues like kids playing and watering extra things. Chief Ames said you can only violate this if you water lawns during the restricted hours. He gave the example of a lady who watered dirt and rocks and not a lawn and the actions the PD had to take. The intent is to have efficient use of water to avoid wasteful evaporation. Council Member Harris suggested changing lawn to yard to cover waste of water anywhere on the property. Mayor Chesnut said we should make our intentions explicit. City Attorney Kuhlmann said if the concern is about irrigating the yard and we are trying to stop watering during those time periods, we could say "lot" to cover everything. Irrigation is an "act" and kids' playing is not irrigation. Both words are qualifying City Attorney Kuhlmann said. Earl suggested saying "lot" because that covers what they own. Council Member Harris said he thinks we can still pass this tonight with these minor changes.

6. ORDINANCE NO. 2016-09-21 AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES, TITLE 14-000. UTILITIES, CHAPTER 14-100. WATER

Council Member Harris made a motion to approve Ordinance No. 2016-09-21, an ordinance amending the Enoch City Code of Revised Ordinances, Title 14-000, Utilities, Chapter 14-100, Water, with changes to add a date of 1944 or earlier for water rights or such year as designated by the State Engineer and also changing language in 14-134 to read "lot" and to add reference to "secondary" water systems. The motion was seconded by Council Member Johnson and a roll call vote was held as follows:

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

7. DISCUSS/TAKE ACTION ON ZONING ORDINANCE REGARDING VARIOUS TYPES OF GROUP HOMES

Mayor Chesnut asked City Manager Dotson to explain why we are talking about this. City Manager Dotson said we were looking through our ordinances and found many archaic references in regard to group homes of all types. For example group homes for the elderly are now called "assisted living". Our references are outdated and we have had discussions in Planning Commission before however it went nowhere at that time. He has gone to ADA meetings to learn about it. One recent change is regarding individuals being treated for drugs or

alcohol but not using now. They are considered disabled and by law we have to accommodate that. Local attorney Blaine Hoefling called regarding our ordinance because he owns a facility for disadvantaged youth. He offered suggestions. City Manager Dotson explained the process. If the City Council wants to change the ordinance it goes to the Planning Commission because it is a land use issue. It is "cut and paste" in all residential zones. The City Council would need to assign it to them if they want to make the changes. They could also assign staff to rewrite the ordinance and bring it back to the City Council who would make the final decision.

Blaine Hoefling was invited to come up to answer questions. Blaine said he gave City Manager Dotson a package of the State regulations that govern these programs which are highly regulated operations. This has all come into existence since Enoch's ordinance was written many years ago. The current ordinance has group homes as a conditional use in all residential zones. He gave some examples of things that are wrong with the ordinance including distance requirements, proximity to churches and schools and setting an age limit on the persons doing the supervision which is unrealistic. Those concerns are covered in the regulations from the State. He said there are three types of programs or homes. One is an intermediate facility for troubled youth or adjudicated youth. Most cities have heartburn over that type of clients. Another is a residential treatment center and a residential boarding school. The Renewed Hope Ranch is an example of that type and is located in a commercial zone. Under the State scheme there should be a way to allow this in the community. There are ADA compliance issues that Enoch is violating. Blaine said he has a 16 bed facility with 50 people working for him. These are highly qualified people paid very good wages for very good qualifications.

Mayor Chesnut asked for specific questions adding he has some background on this industry. Mayor Chesnut said he was shocked at what he has heard about people with disabilities and the mindset of the community. These programs are heavily regulated far above our jurisdiction. He agrees with Blaine that we are seeking to protect our community however we have community members who fit these qualifications for troubled youth. Do we want to be the type of community that will not allow this here because some are our own residents? Blaine spoke about his operation saying the clients do service projects in the neighborhood and the neighborhood likes them there. They are regular kids with some problems to work through. Council Member Johnson said he knows people who work in this industry and the main fear is runaways. Council Member Harris said he lived by a Chrysalis house and had no problems. We want to be in compliance with ADA and other regulations including the Fair Housing Act. The concern is sex offenders. Blaine said this generally does not deal with sex offenders because they are dealt with in other circumstances. He understands that is the greatest fear now regarding group homes. Council Member Johnson said Enoch should accept facilities compliant with Utah Code. Programs with problems don't stay in business. **Council Member Stoor made a motion to direct City Staff to rewrite the ordinance to accommodate ADA and other State/Federal standards and send it to the Planning Commission for their review and recommendation. Motion was seconded by Council Member Harris and all voted in favor.**

8. PUBLIC COMMENTS-none

9. COUNCIL/STAFF REPORT

Dilworth Armstrong said he agreed with the changes tonight.

Chief Ames said he had the opportunity to go to a drug overdose summit in SLC for law enforcement and it was eye opening to learn about the epidemic and statistics. Drug ODs have surpassed car fatalities. He has a grant opportunity to get the anti-OD drug Narcan which can bring people back from OD's to save them. If our officers carry Narcan they can save lives as first responders. In Southern Utah, Washington City PD uses it and within the first three days they saved someone's life. They will apply for the grant and have training on it. They are seeing

heroin and opioid overdoses and it affects all communities. He does not think the problem will go away with other new and deadlier drugs easily available. We are teaching the officers to use gloves when dealing with and handling drugs because some can kill from skin absorption. This was a good conference and this is a problem that affects everyone.
Lynn Nielson, Building Inspector said regarding Narcan, they are mourning their son who died of an overdose a year ago. He did not get Narcan in time and by the time he was treated the brain damage was too much. For officers to have it available is so important. Anyone can have this OD drug on hand and it is awesome our PD could get a grant. He also reported the building department is busy and he is happy to be here. He is finished his residential certifications and got through it in two months. ***Mayor Chesnut thanked him for being so committed adding we are glad to have him here. City Manager Dotson said Lynn's attitude is he is here to help contractors succeed and will communicate to best help them.***
Earl Gibson said they are getting fall work done and getting ready for winter.
Dan Jessen said on the next agenda we will need to approve financing of the well including the amount which is not 100% decided. The bank has put together some numbers with options. We may not have to pay off the existing loan to get a new loan. The primary concern is getting a low interest rate. Oct. 20th is the date to execute the contract.
City Manager Dotson said the Renewed Hope Ranch is open and got their Certificate of Occupancy. They have two residents and four horses for their equine therapy. They will hold a Grand Opening with a ribbon cutting at a date to be set soon. He said for the last couple of years BLM has been working with the County to develop OHV trails and signage for the Old Spanish Trail. He showed the sign that was made from grant funds saying the locations of the signs are not determined yet but will go through Enoch on Midvalley Road with eight signs in different locations. He said when we change policy we bring it to the City Council. If financial they have to approve it. We had a change to the PD compensation and he explained how their overtime pay works. Their pay schedule is different from the 40 hour work week for everyone else. We have only four officers and that causes issues with scheduling them. We are changing the policy so it is based on an 80 hour work period before they get overtime. Also they are paid holiday pay and that is in our budget now but we are putting it into the policy. This came to our attention because of HR principles we have been learning about lately and to stay within federal labor standards.
Mayor Chesnut said we received recognition for Enoch being recognized as one of the 20 safest communities in Utah for the third year in a row. He thanked Chief Ames and the PD officers for all they do to play a role in having a safe community.
Council Member Stoor reported the Tree Committee received a grant for Cottonwood Park. Part of the grant was to have a plan to manage the City's tree inventory and they are working on that.
Council Member Harris said he missed the last Planning Commission meeting but dealt with it tonight regarding the UDOT letter.
Council Member Lee said she went to the Iron County Home Builders Association meeting. Our presence there is important and was beneficial. She has been working on some good projects and has feelers out to SUU for an intern program. The trail system is still in the planning stages and we have neat history regarding the Old Spanish Trail. She will go on a field trip to identify historical sites to note on the trail. They will report soon to the City Council.

12. ADJOURN-Council Member Harris made a motion to adjourn. Motion was seconded by Council Member Stoor and all voted in favor. The meeting ended at 8:10pm.

Julie Watson 10-19-16

Julie Watson, Recorder **Date**