

MINUTES
ENOCH CITY COUNCIL
September 1, 2021 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Jolene Lee
Council Member West Harris
Council Member Katherine Ross
Council Member Shawn Stoor-Zoom

Staff present:

Julie Watson, Recorder-Zoom
Ashley Horton, Treas.
J. Wayment, City Atty.
Hayden White, PW Dir.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Lindsay Hildebrand-Dep.Rec.

Public Present: Angelia Crowther, Maranda Millen, Matt Buddie and Scott Alvord on Zoom, Tim Stewart, Todd Lloyd, Robert Bromley, Richard Jensen, Larry Gardner, Andy Losee, Debra Leigh and Lynn Nielson, Building Inspector

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 6:00 pm.**
 - a. **Pledge of Allegiance**-Led by Ashley Horton
 - b. **Invocation**-Audience invited to participate-Given by Todd Lloyd
 - c. **Inspirational thought**-Not assigned
 - d. **Approval of Agenda for September 1, 2021-Council Member David Harris made a motion to approve the agenda. Motion was seconded by Council Member West Harris and all voted in favor.**
 - e. **Approval of Minutes for August 18, 2021-Council Member David Harris made a motion to approve the minutes. Motion was seconded by Council Member Ross and all voted in favor.**
 - f. **Ratification of Expenditures-Council Member David Harris made motion to ratify the expenses. Motion was seconded by Council Member Ross and all voted in favor.**
 - g. **Conflict of Interest Declaration for this agenda**-none stated except Mayor Chesnut said he is personal friends with the new Planning Commission Member being appointed tonight.

2. **PUBLIC COMMENTS**-Mayor Chesnut invited public comments. There were none.

3. **RECOGNIZE AND THANK LARRY GARDNER OF THE WATER BOARD FOR HIS SERVICE-**

Mayor Chesnut invited Larry Gardner up and thanked him for his service on the Water Board for many years. He said Larry was willing to be a part of the process and there is not a lot of thanks in that. He thanked the Water Board for their many knowledgeable recommendations and presented Larry with a certificate thanking him.

4. APPOINT NEW MEMBER TO THE PLANNING COMMISSION – Council Member Ross

Council Member Ross said Greg Peterson had to resign and need a new member. It was recommended to appoint Andy Losee to the Planning Commission. Mayor Chesnut invited Andy to come up to be introduced to the Council and answer questions. Andy said they moved here in 2010 and love this small town and want to raise their family here. He has been involved in many local events all over the area. Andy is in charge of our T-ball program, Mayor Chesnut said. He is a great volunteer and we hope Andy can encourage volunteerism in others.

Council Member Ross made a motion to approve the appointment of Andy Losee to the Planning Commission. The motion was seconded by Council Member West Harris and all voted in favor.

5. ORDINANCE NO. 2021-09-01 AN ORDINANCE TO CHANGE THE ADDRESS OF 1061 EAST 4375 NORTH TO 4404 N. UTAH TRAIL

Mayor Chesnut asked City Manager Dotson about this. City Manager Dotson said the plats are addressed at the time of the final plat and the new owner wanted to face their home another direction so that caused this address change from the original platted subdivision. He added, in the future, on corner lots will show both addresses so we can avoid this process being necessary.

Council Member David Harris made motion to approve Ordinance No. 2021-09-01, an ordinance to change the address of 1061 E. 4375 N. to 4404 N. Utah Trail. The motion was seconded by Council Member Lee and a roll call vote was held as follows:

Council Member David Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Yes	Council Member West Harris-Yes
Council Member Lee-Yes	Motion passed

6. CONSIDER CHAPTER 12.2500.2502- MINOR SUBDIVISION PROCEDURE FOR REFERRAL TO THE PLANNING COMMISSION

City Manager Dotson said the situation is such that in a minor subdivision it goes to the Planning Commission first. Minor subdivisions are four (4) lots or less. They can be exempt from recording a plat. We have not required that they do that and can do the land split by metes and bounds recording the separate deeds for the parcels. This is often an action that is taken by farmers or larger landowners to split their property among their children. In our Code subdivisions require curb, gutter and sidewalks. The subdivision creates lots but without a recorded plat it creates parcels. The situation comes when we try to figure out how to access the parcels when sometimes they are not next to a paved street. We don't want this to become a big expensive deal for those who are not developing but just splitting their land up for their kids. Often there is not a planned street to go through it. He gave some examples. Another example is a commercial parcel that would be accessed by a shared parking lot. In a commercial development they want to break off parcels that will have a shared access to the parking lot but will not front a paved street for each parcel. This is complicated with requirements now and often it makes no sense for the circumstances. The question is would the City Council be willing to change the code to remove the requirement that lots front a paved street and that they not be required to put in infrastructure. Are they willing to send this to the Planning Commission to have them look at the changes? We have found we are not being accommodating of simple situations. This would not affect the greater good of the community in anyway. Requiring infrastructure is an expensive challenge in some cases. Mayor Chesnut suggested there could be one standard for commercial and one for residential and he is fine with having the Planning Commission look at that. Mayor Chesnut asked if he hears agreement to send this to the Planning Commission and there was agreement. This will go onto the Planning Commission agenda for their next meeting.

**7. CONSIDER JOINING THE NATIONAL INSURANCE FLOOD PROGRAM –
Angelia Crowther – Utah State Floodplain Manager**

Angelia Crowther and others for this item were on Zoom. Mayor Chesnut asked her to bring them up to speed. City Manager Dotson introduced the participants and told about the conversation they had recently in the office. Matt Buddie is with FEMA. Scott Alvord is the Regional Representative from the State Department of Emergency Management. Angela is the flood plain manager for Utah. We have been in conversations due to recent floods. We have been invited before to do this but did not. We discussed the process to join and he explained what it is. Currently a person with land can purchase flood insurance through a third party. They have to go to a special company. The cost is quite expensive. The challenge is how the companies mitigate risk because they have to make the risk lower with City policies in place to allow major insurance companies to sell flood insurance. This program opens that avenue for this to take place. Angela said they have a list on floodsmart.gov of who sells NFIC policies. City Manager Dotson said to participate in this program we would have to add things to our codes and policies. The process is to apply and he has filled out the application already. We have to have a resolution and put an ordinance in place to include avenues to add more requirements to building codes and requirements in our Subdivision Ordinance. This gives the community the ability to regulate the areas prone to floods to mitigate risk. That provides the opportunity to have this type of insurance available to residents. Angelia said she wanted to mention Utah has about 253 communities and 226 participate in this program. City Manager Dotson said they have approached us to join and we have the tools to do this. Angelia said Enoch would come in through the emergency program. Later we would transition from emergency to the regular phase. She asked Matt Buddie of FEMA if he had more to add. Matt said the National Flood Insurance program has a regular phase and an emergency phase. Because Enoch does not have flood plain maps we go through the emergency process. They can't get full policy limits that someone in the regular phase could. Once we actually have the flood maps for Enoch then we automatically convert to the regular phase and not emergency phase. Matt said they started flood mapping in Iron County and that project got stopped. There have been so many changes and so much new development in flood areas now we need to start over with the maps. That will be a 3 to 5 year process for the maps to become effective. You could join through the emergency phase now and give residents the ability to buy the insurance if they want to. Coverage might be limited but is better than none at all Angelia added. City Manager Dotson this is a trigger even though there are no maps. It is defined as a special flood area on a map and Enoch has had a few events with damage in approximately the same areas. Matt added by joining now without maps means you agree to look at all new development and make a determination if it is in a flood prone area and require steps to mitigate that. He gave details of what that covers and making sure it is reasonably safe from flooding with requiring certain things to mitigate future risk. That will be in later discussions. City manager Dotson said we are talking about changes to the Subdivision Ordinance to increase standards in the next agenda item. Angela mentioned they have some templates on higher standards we can refer to. Mayor Chesnut thanked them for the information. No action was taken.

8. UPDATES ON NRCS ENVIRONMENTAL ASSESSMENT - City Manager Dotson

Mayor Chesnut said City Manager Dotson will present this. City Manager Dotson said we have been working with NRCS on the East Bench Watershed Project. Since the recent severe storms they wanted to re-assess where the east bench watershed basins will be placed and how water will flow through the City. Sunrise Engineering came up with a potential plan which he showed on the map. He explained the locations of the basins on the east side of I-15 noting there are various ways to move the water through Enoch. We are working to slow it down but water goes downhill. Do we build to a certain probability or a higher probability? He explained the

numbers from NOAA explaining what their calculations mean. He explained more about the current map and what storm water is channeled and what will be piped. It will all go to the Enoch graben eventually. He told about size of channels and gave many details. These plans are being put on paper to build the basins to try to route storm water through the City safely. NRCS wants to help us get more money and are increasing the scope of the EA to include more basins which requires more money. There is a match for a grant and it can't be used for pipe but 75% is a huge amount of money we don't have to come up with. We have to contribute 25% in cash or "in kind" labor. We have the BLM lease application and are waiting for the EA to be done. They are pushing to speed it up. He noted the water flow will be in mostly open channels and not pipe because the funding we are getting does not pay for pipe. Council Member Lee asked if this can be expedited and what the timeframe look like. City Manager Dotson said the project EA usually takes longer; 6 months to a year. A percentage of the grant money is to do the design work. It could be 2 to 3 years for the work to be done. We are still talking to landowners to potentially build bigger basins. We would like to build something to hold a 200-year event. Council Member Stoor asked what kind of event this current updated plan would handle. City Manager Dotson said it is typical to plan for 100-year storm events. Mayor Chesnut said if we upsize then it costs more and this already has a huge price tag. Council Member Stoor said in the August 1st event we would still have problems although it would carry water more safely. Mayor Chesnut said what does the Council want to do when it comes to engineering for an event? No decisions were made.

**9. CONSIDER STORM DRAINAGE ORDINANCE AMENDMENT
RECOMMENDATIONS - City Manager Dotson**

City Manager Dotson said this is basically a list of potential items you could put into the ordinance to make changes for subdivisions. Currently we require a new subdivision to have to design roads, curb and gutter for a 25 year event and build detention basins and consider pre-development flows and post-developments flows and what the hard surface adds to the flow. They are required to build a basin that will hold that water and let it out gradually for a 100-year event. He gave more details. He read from potential code changes adding developers also have to design for what is coming to them from above and plan for that and we don't have that in the ordinance now. He described the changes proposed in great detail. He said there are good reasons for open channels. Residents have asked us to require higher standards and that means more manpower and equipment so that takes more money. We now say every owner has to move water by their property and allow it to flow. That means keeping ditches free of weeds and debris. Many do not realize this is their responsibility. We submitted 1.6 million in damage to the State from our storms. What does this look like for a policy of the City if the residents don't maintain their culverts? If the City takes that over and we do it that takes more manpower and equipment. We believe that would take two full time employees and a special truck. It would cost about \$150,000 for the employees and then the cost of a special truck at about \$280,000. To do that is about \$10 additional charge per home on the utility bill. Now we charge \$2. He gave more details of what is covered by what we charge and what we have to charge to do this ditch maintenance.

Council Member Lee said the ordinance says residents are required to maintain culverts and we are responsible for our own property and need to control where water goes. How do we force anyone to do that? City Manager Dotson explained when someone changes the front of their property there is a permit application required. They meet with Hayden and he tells them what to do and how to do it right. If they don't apply and don't do it right can they be sued, Council Member Lee asked? When they apply, Hayden checks their plan and tells them if it is good or not and what to do. Hayden said he has been looking at properties already. There was more discussion of the problems of enforcing the ordinance we have now. City Attorney Wayment suggested it would cost less to do it ourselves than to enforce this and take people to court. Council Member Lee said we want to be compliant and if the City could help us put our

culverts in correctly maybe that would be good. City Attorney Wayment said many people say "not on my property. I'm in charge of my culvert." Mayor Chesnut said they balk about getting a permit but that is to make sure you do it right. Mayor Chesnut said we could use more education for the residents. City Attorney Wayment said if half does it right and half doesn't that still leaves the original problem. From the attorney perspective people don't want to be told what to do. Some want to do it right but many just don't care or are unable to do the work required. City Manager Dotson talked about costs adding some can't afford to install expensive culverts. City Attorney Wayment said many are just ignorant about the requirement for the permit.

There was more discussion of the costs involved in reengineering every street in the City to make the water flow correctly. It is just not a doable thing. Who pays for that? We have about 14 small projects we can do now, City Manager Dotson said. We could have two employees to take care of ditches. Some say why do I have to maintain the ditches? It is not my land. Council Member Stoor said this is so critical to all residents we should not leave it up to the homeowner to maintain that flow and do it right. That requires more employees. He thinks it has to be the City. Mayor Chesnut said we have to evolve without getting into people's rights. How do we address this without invading individual rights? Most people don't even realize if they don't shovel snow on a sidewalk by their home they are liable if someone falls. We have to do certain things and how we balance that is hard to do. Council Member Stoor said at the least, we have to have some inspections and make sure it is done right or needs to be fixed. We still have to inspect for flow and make sure it works. Council Member David Harris said he is not worried about privacy and property rights with culverts. We are not invading people's rights. This is for the greater good of the entire City. He said he agrees if we want it done right we have to do it, although it does hurt some who can't afford the addition to the utility bill to do this. Council Member David Harris said he would prefer not to increase fees any more than we have to and talking \$10 is a big jump. There was more discussion of costs and what needs to be dealt with. One culvert costs \$400. This is the time to and have public support, Council Member David Harris said. Mayor Chesnut said we have to be transparent and we can't pull figures out of the air. They have to understand what they get in return for what we have to charge. Council Member Lee said many stated they are willing to pay. This is an inexpensive form of insurance because we help to prevent the problem. Council Member Lee said the tiny fee we charge now at \$2 is ridiculous and was when we did it. Council Member Stoor said he wants more detailed costs before we set a fee. It was agreed we should all cover it evenly and get it done. That is what we have to make a decision about when we get more firm costs. Council Member Stoor said to design for a bigger event is not cost effective although this year has been the exception and Council Member David Harris agreed with him. We need more information and a standard to build for. It is hard to talk about it when we don't have enough information. Residents deserve the information too, Council Member Stoor said, and we need to show them the numbers. Council Member David Harris said we should stick with 100-year standard realizing it would not have covered the last storm. It will take a \$10-\$12 increase to deal with this however we can best spend that to mitigate the simple issues of cleaning ditches ourselves along with counseling on culverts and other options for protecting property. Council Member Stoor said maybe those most severely impacted could be advised to add some window well extensions and change landscaping to keep water away from the home. Maybe we can help them understand what they can do to mitigate the risk on their property with minimal cost. We can't tell them what to do but tell them what can be done. Council Member Ross said the newsletter used to put "expert advice" in a paragraph and we could say something each month. People want information. Council Member David Harris said with talking about the storm drain fee increase, we need to make it clear this is not a property tax increase. For bigger projects he'd just as soon bond for those and get them done. Resolve this quickly, if possible. Mayor Chesnut noted BLM is now speeding things up and running things in a parallel way instead of finishing one thing before starting the next. The

monthly charge would fund employees and equipment and is limited to only that. Council Member David Harris agreed with Council Member Stoor, we don't have enough information to decide tonight. This is a preliminary discussion and the calculation is \$10. For right now we should do some education, City Attorney Wayment said. Let them know what they are responsible for. Council Member Stoor asked if we need to allocate some money or is engineering funding in place to get some bids. City Manager Dotson said we have engineering for six-month projects we can do before we get into bigger numbers. Those are estimates and not exact but an idea of what it costs. We know the cost for curb, gutter and sidewalk and that could be part of it. City Manager Dotson said we are talking about the big NRCS project with facilities to carry big water. We have estimates for future projects that are smaller. When they decide how they want to change regulations for subdivisions then we'll know more. Mayor Chesnut said they will work up more costs to do various things. No action was taken.

10. COUNCIL/STAFF REPORT

Hayden White reported the crew has been working on the roundabout this week to get the infrastructure installed so it is ready for plants to be installed. The sprinklers are in. They have had some complaints about the dumpsters but fewer. We have given out 269 three-month passes for the dumpsters. He reported that as we are getting into the fall season many of the crew are taking time off for hunting so he is always a bit short handed. He told about other problems on Half Mile Road and how much damage was done to equipment as the ground sunk with the weight of it. It seems hard on the surface but is not. They have had various water leaks around town to fix so are staying busy. We are trying to expand some ponds and got the okay from Clarks to expand that pond on their land. Mayor Chesnut thanked him for the hard work and long hours.

Chief Ames said they hired a sixth officer as they have been working shorthanded. The new officer was supposed to start today but his family got Covid. We had a shelter tech quit and so we are looking for a replacement. They did interviews yesterday and today. They are staying busy. Traffic control with using the speed sign is going well and they will keep moving it around. He reported we had a gun suicide this past week.

Lynn Nielson reported he is busy in the building department with lots of permits and lots of flooding questions. There are about 140 active permits. We are seeing about 10 new homes per month along with a variety of things like solar, garages and additions.

Ashley Horton reported we have the audit coming soon and she is busy and getting ready for that.

City Manager Dotson reported he is very busy with flood related projects as explained earlier.

Mayor Chesnut reported today was the ICCC meeting in Enterprise. He and City Manager Dotson attended. It was interesting to meet with everyone because the last meeting was before the floods and the talk was mostly about that. There are lots of projects to identify problems and address them. Also as part of that we have other committees that meet after that meeting. UDOT transportation projects are in full swing. He told about that and gave more details of how to wrangle the projects on tap. The ICCC passed a list of transportation projects needed although it is not prioritized. City Manager Dotson talked about the Master Transportation Plan which is not completed yet. UDOT does not see any entity as more important than any other. The goal for all is to keep traffic moving. More details were discussed about acquiring property to preserve the belt route area. We also need to make acquisitions that could be needed for an Enoch interchange in the future. Growth determines a lot. Mayor Chesnut said we need a closed meeting tonight to discuss a property purchase.

Council Member Ross reported the Planning Commission has a lot on their plate and are also doing land use training. They are dedicated and do a fabulous job. Wreaths across America needs committee members as we only have three now. She asked for the Council's to help. She reported

one other thing is the group trying to put together an exhibit to help heal after times of crisis and we invite all to “create beauty from the ashes”. This is on Facebook.

Council Member West Harris said he had an opportunity to drive with Roice Nelson and others to areas of the Conservancy District to see projects. It was an interesting day and he appreciated learning about what is planned.

Council Member David Harris at last the last Conservancy District meeting was canceled. They need a board member there. He said he will miss the next City Council meeting.

Council Member Lee said the Council voted in favor of building a roundabout instead of having a stop light. As you can see it is happening and the scope and size are bigger than they were thinking. Enoch is responsible for the inside of the project. There is so much to it, she is here to ask the City Council that we allocate more money for the landscaping of that area. The public works people have worked over and above what was asked of them. We need more work done and she proposes we hire that out. Hayden got a bid for installing the landscape fabric and installing the crushed red rock inside and outside of the wall. UDOT has agreed to match the rock we use for their part of it. Somebody can do it in two days and to take our employees off of other projects and have them do this is asking too much of them. \$10,200 is the cost to hire the job out. The plants are arriving this weekend and this is our showpiece for Enoch City. Ashley said we talked and we have money for that and can do it. It may require opening the budget at some point to move extra money and Mayor Chesnut said we can do that. We had allocated \$90,000 and it is worth it to hire this job out. The signage is the last part. Council Member Lee said there is a lot that needs to happen and it will be happening. She told about the plants and how beautiful it will be and who is doing it. It will be back lit with LED strips. The committee is really working hard. They need the money. Mayor Chesnut said \$10,000 is fine and so many folks have worked for free to make this happen.

Council Member Stoor said he agreed on the roundabout and keeping our employees on their projects. He reported he has worked with Senator Evan Vickers in a Scenic Utah group. They are talking about billboards and how it impacts our communities. We can do things to strike a happy medium and still preserve our scenic look here by Enoch

- 11. 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 David Harris made a motion to close the regular meeting and go into a closed meeting for discussion of the purchase, exchange, or lease of real property, including any form of water rights or water shares. The motion was seconded by Council Member Lee and a roll call was held as follows:

**Council Member David Harris-Yes
Council Member Ross-Yes
Council Member Lee-Yes**

**Council Member Stoor-Yes
Council Member West Harris-Yes
Motion passed**

- 12. ACTION FROM CLOSED MEETING-**

Council Member David Harris made a motion to have administration continue negotiations on property. Motion was seconded by Council Member Ross and all voted in favor.

- 13. ADJOURN-**The regular meeting ended at 8:10 pm.

Julie Watson
Julie Watson, Recorder

9/16/2021
Date

Meeting ID: 859 5450 6559