

MINUTES
ENOCH CITY COUNCIL
July 15, 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 Olenslager

Staff present:

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

Public present: Michelle & Donna Pritchard, David Owens, Geoffrey Chesnut, Cassie Easley, Dilworth Armstrong, Worth Grimshaw, Ryan & Melanie Johnson, Lisa Baker, Lisa Brown. Hilary Hollingshead, Ken & Carolyn Bauer, Ferrol & Wendy Kelsey, Brent Taylor, Michael O'Rourke, Karl Stevens, David Harris, Tim Beery, Courtney Villnueva, Jeff Thorpe and Brett & Elizabeth Boucher

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Rasmussen at 6:00pm. He welcomed the audience.

- a. **Pledge of Allegiance-**Led by Council Member Johnson
- b. **Invocation-**Audience invited to participate-Given by City Manager Dotson
- c. **Inspirational Thought-**Given by Council Member Wilcken
- d. **Approval of Agenda for July 15, 2015- Council Member Olenslager made a motion to approve the agenda. Motion was seconded by Council Member Lovell and all voted in favor.**
- e. **Approval of Minutes for July 1, 2015-**Council Member Johnson said his nuisance ordinance version was not attached to the minutes. Julie said it would be attached when posted. Council Member Johnson noted another change regarding approval by engineers. **Council Member Lovell made a motion to approve the minutes with the changes. Motion was seconded by Council Member Wilcken and all voted in favor.**
- f. **Conflict of Interest Declaration for this agenda-**none stated

2. DISCUSS CHANGE TO PERSONNEL POLICY, SECTION VI, REGARDING EMPLOYEE LEAVE DONATION

Mayor Rasmussen asked if there were questions or concerns. Council Member Wilcken said to clarify if we transfer leave between persons of unequal pay rates that will be adjusted. Dan verified that we are transferring dollar amounts for the time being given. The mechanics are taken care of within the payroll accounting system. City Manager Dotson said we could add transferred leave hours shall be based on monetary value of hours. He said this came up now because we had an employee dealing with a family tragedy of a child dying and he needed to take some time off which he did not have accrued. His fellow employees wanted to donate some of their leave time to him to help out. Our current policy did not allow for that so we wanted to change it. This will not be a regular occurrence but is meant for extenuating circumstances. Dan said accrued leave shows up on books as a liability due and payable to that employee. The only way we can do it is to convert it to dollars. Mayor Rasmussen asked if we can pass this tonight and make the adjustment in wording. City Attorney Turner said to make the motion "as amended".

3. RESOLUTION NO. 2015-07-15 A RESOLUTION TO APPROVE ADDITION TO THE ENOCH CITY PERSONNEL POLICY, SECTION VI, REGARDING EMPLOYEE LEAVE DONATION

Council Member Olenslager made a motion to approve Resolution No. 2015-07-15, a resolution to approve addition to the Enoch City Personnel Policy, Section VI, regarding employee leave donation with amendment to the language as discussed. The motion was seconded by Council Member Wilcken and a roll call vote was held as follows:

Council Member Griffiths-yes	Council Member Olenslager-yes
Council Member Johnson-yes	Council Member Wilcken-yes
Council Member Lovell-yes	Motion passed unanimously

4. DISCUSS SIGN ORDINANCE-Council Member Griffiths

Mayor Rasmussen asked Council Member Griffiths to explain what he wants to do. Council Member Griffiths said people running for office have placed signs on public property and there have been issues with the current sign ordinance. He would like to see the ordinance be more liberal in where signs can be placed throughout the City as long as it is not a safety hazard. The point is to “allow” rather than to “restrict”. People would still need to get permission from private property owners to post signs. By the same token removing the signs in a timely manner is essential when the election is over.

City Attorney Turner said his office needs to look at the sign ordinance because there was a Supreme Court decision recently affecting signs and political speech. Our ordinance would need to be in compliance with that new decision and they could also incorporate some suggestions for the changes discussed. City Attorney Turner said the current law will remain in effect until a new ordinance is formally passed after proper noticing. His legal advice is that the City should enforce the current law equally. Council Member Johnson asked what the new ruling was. City Attorney Turner said it has to do with what a municipality or state can do to restrict speech based on content. Julie said it should be noted that political signs cannot be placed within 150 feet of the polling place and candidates were given information regarding signs when they filed to run.

City Manager Dotson referred the Council to the Code of Revised Ordinances, Section 10-441 thru 10-449. He recapped the ordinance stressing that a permit is available for passing out handbills if candidates want to get the permit so they are not guilty of littering. Signs cannot be posted on light poles, regulatory signs and the like in any public right-of-way. We have had some challenges in the past and had some candidates move their signs that were illegally placed on public property. Mayor Rasmussen confirmed the Council wants to have the City Attorney review this and work up changes to the ordinance. This is for discussion only tonight City Attorney Turner said. There was more discussion that the objective is to be more liberal in where signs can be placed in the public right-of-ways. City Attorney Turner said he would like suggestions from the Council and will aim to have this back on the next agenda. He understands this is mainly regarding campaign posters for now. City Attorney Turner said if you allow campaign posters in all public places you tend to open it up to all political speech which has been a problem with offensive content in some municipalities. On private property you can post whatever you want to. The issue is in public right-of-ways. Council Member Wilcken said we have not had a problem with inappropriate signs so far. No other action was taken.

5. DISCUSS NUISANCE ORDINANCE AND SET A PUBLIC HEARING FOR AUGUST 5, 2015

Mayor Rasmussen asked if the Council is ready to do this. City Manager Dotson said staff has given our suggestions and most was taken from State law. He said we wanted to add that

weeds are defined only as “noxious” weeds as designated by the State agricultural code. He added a paragraph that says if we determine noxious weeds are growing on a property, we will send a letter and suggest ways to remove the weeds. If the property owner fails to act then the City will act to mitigate the noxious weeds as a public nuisance. He said we already send the letters and it is working. We do not make threats. We just ask property owners to get rid of the weeds. State law provides a mechanism for recouping costs from property owners and he gave some details.

Council Member Johnson said he received City Attorney Kuhlmann’s comments too late to do his revisions for tonight. He said he has forwarded his version to another attorney and others he knows and they will send feedback. Mayor Rasmussen said we are not in so much of a hurry there is not time. We can postpone this or schedule the public hearing for the next meeting. Holding the public hearing does not mean we have to decide on anything that night. City Manager Dotson said if you read our existing ordinance and what we took out it follows what it says in State code and has been simplified. We have eight definitions of what a public nuisance is instead of 34 definitions. Council Member Wilcken said we can set the hearing for August 5th and it does not commit the Council to act that night. Mayor Rasmussen asked for a motion. **Council Member Johnson made a motion to set a public hearing regarding the nuisance ordinance for August 5, 2015. The motion was seconded by Council Member Lovell and all voted in favor.**

6. PRESENTATION OF STORM DRAINAGE ISSUES ON HALF MILE ROAD- Ryan and Melanie Johnson

Mayor Rasmussen invited the Johnson’s to give their presentation. Melanie thanked the City Council for letting them do this presentation saying that as a street they care about Enoch and want to do what they can make it a better place. The presentation is attached to these minutes for the record. (*ATTACH WHEN POSTED*)

Melanie said the goal is not just for their street. They want better infrastructure for everyone and feel like there is a need citywide for infrastructure improvements. They suggested the City Council look into implementing an impact fee for drainage and to raise the drainage fee citywide. Mayor Rasmussen said these are good points for discussion.

7. DISCUSS AND TAKE ACTION ON HALF MILE ROAD ISSUES

Council Member Wilcken said one challenge is to get actual figures for the cost of the suggested project. They have to have numbers to know how to proceed. City Manager Dotson said to get bids an engineer has to go and survey the area and he gave details of the work involved. The City’s drainage project is in place and according to our study it is adequate to handle the water flowing off of Half Mile and other roads. He gave more details of what is involved for an engineer to bid a project like the one described. There was more discussion of historical storm water flows. It was stated that the culverts have all been realigned to an optimal flow line except for one homeowner who is refusing to let us move his culvert which is blocked at this time.

There was more detailed discussion of how curb and gutter would handle the water and it was noted that it would do only marginally better than the current culverts. On some properties the curb would be a foot to two feet above the existing landscape and that has to be part of the conversation. If the Council decides to fund these improvements we would have to pay to re-do landscaping and sprinklers as part of the cost. The first step is to determine the cost for an engineer to design this project. Council Member Wilcken asked if we have budget money for engineering. Dan confirmed we do have engineering funds in roads and other departments.

Melanie asked if the engineering cost and the project cost is in the ball park of \$120,000 would the Council support applying for CIB funding. The residents would be amenable to delaying the current asphalt project to use that money for loan/grant match. She also asked if the

Council would look at an impact fee and consider increasing drainage fees. Council Member Lovell said we need to go ahead with getting the engineering done. Beyond that he is in favor of applying for CIB money. He added, to put this in perspective, the comparison to the Ivins project where they have a 15 million dollar budget compared to Enoch's budget is not a realistic comparison. Adding an impact fee is no easy matter either and there is always steep opposition to that. Council Member Wilcken said the challenge is where do you stop? Melanie said there seems to be a consensus on getting a bid for the engineering.

City Manager Dotson explained the CIB (Community Impact Board) and their processes. We have to give them our prioritized plans each year. He told about the 1-Year and 2-5 Year plans we submit in order to be able to apply for grants/loans for the items on the lists. As he reviewed our list and talked to our CIB representative we put the new culinary well as our #1 priority item. Our second highest priority item was storm water drainage improvements. He noted there are other streets that need drainage work too. We are already applying for the new culinary well funding and applying for drainage in the same year will make them competing projects.

City Manager Dotson said CIB funds come from mineral royalties and in non-producing counties like Iron County they very rarely give grants but do give low interest loans. The timetable is to apply for funding in October, their decision is made in December and the project is funded in February. That means another winter with Half Mile Road not paved. Melanie said they talked about it and if the road could just be roto milled with road base they could live with it. City Manager Dotson said the engineering has to be in place with project costs to apply for the money. The City Council has to make that decision. The City also has to show we can afford to pay back the loan which involves having income to pay the loan.

Council Member Wilcken said we have talked about laying asphalt and then chip sealing in the fall. It has been discussed we could put asphalt down and it may not need to be disturbed to do the rest of the project should that develop. Engineering is still the first step Council Member Wilcken said. To clarify other points City Manager Dotson said impact fees have to have a study and can't just be implemented. Impact fees are to maintain the same standard existing and are not for maintenance or improvements. They could not be used to fund curb and gutter on this street. The storm drainage fee can be raised anytime by the City Council. The City Council implemented \$2 per month which makes \$42,000 a year. There was more discussion of fees.

Mayor Rasmussen said the question tonight is what steps we take in regard to the proposal. Council Member Olenlager asked what the latest date is we can lay asphalt. Council Member Wilcken said we should get the engineering done and see if we can put asphalt in now and not have to tear it out to do more on the project. There are costs involved in roto milling too. It was noted the storm photos shown in the presentation predate the realignment of the culverts. Council Member Johnson suggested we should wait to see how it works now. Ryan Johnson said the issue with the culverts it they drain too slowly although they do drain. Mayor Rasmussen asked Earl for a recommendation. He said we could get an estimate from an engineer and let the City Council decide if they want to try to fund this. From his experience we will have mud all winter again. Paving stops when temperatures go below 50 degrees. Mayor Rasmussen asked about roto milling and Earl did not know the costs. It still involves tearing pavement out and hauling other material in so it is almost the same as paving it. Council Member Wilcken said regardless there is still expense. Council Member Wilcken said let's move ahead with getting the engineering. Council Member Olenlager said we have too few employees to do too much work. The tax referendum killed this type of infrastructure improvement with the tight budget. There was more discussion of who should be involved in paying for a project of this type. Council Member Olenlager said if they want curb and gutter they can go ahead but not for whole City to pay for it.

Mayor Rasmussen asked the Council where they want to go tonight. City Manager Dotson said he would like any action in the form of a motion.

Council Member Johnson made a motion that we seek a quote from an engineer as to the cost of designing the curb and gutter project on Half Mile Road. Council Member Lovell seconded the motion.

It was clarified this is to give City Manager Dotson direction to get a quote to design the curb and gutter for Half Mile Road. Council Member Wilcken said if we have the funds in the engineering budget we should do it. Earl Gibson added the engineering work involved would be at least a two week project and maybe longer. If the cost of the engineering is outside of the engineering budget then we have to open the budget and move money from somewhere. Dan said in streets and roads we have \$5,000 and administration has \$5,000 for engineering. It was noted there are other projects that may require engineering services too. Mayor Rasmussen asked if they want City Manager Dotson to go ahead with the engineering if there is money in the budget. He clarified we will get a quote to design the project from our City engineer and get a time frame for him to actually do the engineering work. Mayor Rasmussen said we have a motion and a second on the table and he asked for a vote. **All Council Members voted yes.**

City Manager Dotson said our crew is re-compacting the sewer line now and getting the testing done. We can get a quote at no cost by August 5th.

8. PUBLIC COMMENTS

Lisa Baker said she would like to know if the Council is willing to change the priority of the CIB list for the curb and gutter over the well. *City Manager Dotson said both projects are on the list and are already high priority "I's" however they are competing interests and if we lose the well that is a bad thing too. The funding decision is with the CIB Board. The Council can decide to apply for both or only one Mayor Rasmussen said.* Lisa said if we are always thinking of ourselves then Enoch will never be better and this affects everyone in the City. We can be selfish or we can better Enoch City. She recapped issues with the sewer line and other pipes again saying they have warned and warned and the City will be held liable. One day it will all fail and the City will be sued.

Worth Grimshaw said a month ago he came and asked for a reply to a letter he sent in March and he has not heard back yet. It took a week and half to get action when this issue first came up and now six months later he has not had an answer.

Ken Bauer said there was a statement made that all in Enoch residents want curb and gutter and this is not so. He does not want it. He floods occasionally too and so far water soaks in and road is ok. He mentioned the dilemma with cleaning off sidewalks in a timely manner.

9. CORRESPONDENCE-none

11. COUNCIL/STAFF REPORTS

There were no comments from the Council or Earl Gibson.

Chief Ames mentioned they are busy in the PD. Two weeks ago an officer was hit in head with a bat during a domestic violence call. He is back to work now and doing fine. We are grateful for the good officers we have.

City Manager Dotson reported Scott Leavitt on the Planning Commission is moving next week and we need a replacement for him. The best way to show interest is to talk to a City Council Member or Mayor Rasmussen. Another way is to go on the website to get the volunteer application to file for this position. Also tomorrow at 10:00am we will broadcast a ULGT webinar on land use and conditional use permits here in the Council room.

City Attorney Turner said if the Council Members have suggestions for the sign ordinance please get it to him.

Julie Watson recapped the next agenda.

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

Mayor Rasmussen said we need an executive session tonight to discuss property acquisition and possible litigation. He asked for a motion. **Council Member Johnson made a motion to adjourn to executive session. The motion was seconded by Council Member Lovell and a roll call vote was held as follows:**

Council Member Griffiths-yes

Council Member Olenslager-yes

Council Member Johnson-yes

Council Member Wilcken-yes

Council Member Lovell-yes

Motion passed unanimously

The regular meeting ended at 8:13 pm.

13. ACTION FROM EXECUTIVE SESSION-none

14. ADJOURN-Adjourned above.

Julie Watson, Recorder

Date