

MINUTES
ENOCH CITY COUNCIL
May 7, 2014 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Robert Rasmussen
Council Member Destry Griffiths-elec. participation
Council Member Steve Johnson
Council Member Kirk Lovell
Council Member Mike Olenslager
Council Member Gary Wilcken

Staff present:

Julie Watson, Recorder
Dan Jessen, Treasurer
Nick Turner, City Attorney
Robert Dotson, City Manager
Earl Gibson, Dir. Public Works
Jackson Ames, Police Chief-absent

Public present: Donna & Michelle Pritchard, Doug Jones, David Owens, Dennis Ayers, Paul Swapp, John Horstdaniel, Dilworth Armstrong, Chris Johnson, Bill Okeson, Taliah Erickson, Kristen Gross, Cassie & Stan Easley, Garth Jones, Jolene & Bruce Lee, Mike O'Rourke, Clara Pickett, Matt Bracken, Johnny Trujillo, Nylene Bracken, Krista Bulloch, Wesley Graham, Bruce Crankshaw, Jim & Brenda Peck, Sasha Turner, Michael Bahr, Debra Ley, Tim Watson, Brian Johnson, David Benkert, Sr., Roni Laub, Worth Grimshaw, Bob Graul, Merrit & Tawni Bowden, Steve Clarke, Donna Crase, Tammy Palmer, Lethe Kelsey and Lindsey Mikesell

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-Mayor Rasmussen welcomed the audience and excused Council Member Griffiths who is working tonight and will try to join in by phone.

- a. **Pledge of Allegiance-**Led by Council Member Johnson
- b. **Invocation-**Audience invited to participate-Given by Mayor Rasmussen
- c. **Approval of Agenda for May 7, 2014-**Motion to approve agenda by Council Member Olenslager. Motion seconded Council Member Wilcken and all voted in favor.
- d. **Approval of Minutes for April 16, 2014-**Motion to approve minutes by Council Member Johnson. Motion seconded by Council Member Olenslager and all voted in favor.
- e. **Conflict of Interest Declaration for this agenda-**none stated

2. APPOINT NEW MEMBER TO ECONOMIC DEVELOPMENT COMMITTEE AND RECOGNIZE OUTGOING MEMBER BILL OKESON

Mayor Rasmussen asked Bill Okeson to come up and thanked him for his service on the Economic Development Committee. Mayor Rasmussen asked City Manager Dotson to introduce our new member. He said David Owens has been an Enoch resident for the past five years, was a PD officer in LaVerkin and also has been involved in other business pursuits. David said is glad to lend something to the community and to be of service. City Manager Dotson said the Enoch City Iron Days Festival will be coming soon sponsored by the Economic Development Committee and Dave will be helping with that event. Council Member Olenslager made a motion to approve David Owens to the Economic Development Committee. Motion was seconded by Council Member Lovell and all voted in favor.

3. REAPPOINT MEMBERS TO TREE COMMITTEE AND PLANNING COMMISSION

Mayor Rasmussen asked Council Members Council Member Wilcken about the Tree Committee reappointment. He said they will reappoint Jim Watson to two year term but he has said he may have to step aside after one year. **Council Member Wilcken made a motion to reappoint Jim Watson to the Tree Committee. Motion was seconded by Council Member Lovell and all voted in favor.**

Council Member Griffiths came on the phone at this time in the meeting.

Council Member Olenslager said John Horstdaniel has served on the Planning Commission for several years and is willing to continue for another term. **He made a motion to reappointed John Horstdaniel to the Planning Commission. Motion seconded by Council Member Johnson and all voted in favor.**

4. CONSIDER 2014-2015 TENTATIVE BUDGET

Mayor Rasmussen said in the last meeting we talked about where we are headed with the budget. He clarified this is not the final draft and a public hearing will be held. Dan has prepared an alternative budget which was emailed to the Council showing some recommendations for cuts as discussed in the last meeting. The other version is the one known as the Mayor's budget presented to the Council on April 2nd. Assistant City Attorney Nick Turner said State law requires we have the official "tentative budget" in front of the Council for approval in May as part of the required process. Tonight the agenda does not read that way so at the next meeting in May there has to be a formal agenda item to adopt the "tentative budget" and set the public hearing date. In a meeting before June 22nd the budget has to be adopted per State law. In other words we can't have two versions of the budget in play. One version has to be adopted at the next meeting.

Mayor Rasmussen said as there are two budgets on the table now and he would like to propose that we go forward with the "Mayor's budget" as it is now known. Instead of going through the "Truth in Taxation" process for the smaller tax increase he proposes we would move funds from savings to cover the shortfall for this year. We would adopt the budget and then see how the vote on the referendum goes in November. It does not make sense to gut services when we don't know how the public will vote. It was reiterated that the budget is not written in stone and can be reopened for adjustments later in the year. Also if the tax increase is approved the funds would not come to the City until 2016 and we have to have the 2014-2015 budget by June 22nd. That budget is not affected either way. Dan said he wants to note many of the large expenses that are weighing in the balance whether to be cut or kept won't even occur before November. For instance the library is one of those things. That bill is not due until June 2015. When we talk about pulling from savings we have to state that in the budget and the budget can be opened and changed by the Council if need arises. That is the same with drainage. If it is left in the budget it still depends on when staff does the work and spends the funds referring to the \$60,000 that has been discussed for cutting. Assistant City Attorney Nick Turner clarified saying by adopting a "tentative budget" it puts the public on notice that this is what the Council is considering for adoption as the final budget. Once they get feedback from the public it may be different but by June 22nd the final budget must be adopted. Dan clarified a few more items in the alternate budget adding it has to be noted that many things being cut in that budget also have a revenue side that is affected. Mayor Rasmussen asked for discussion and each Council Member stated their main points as follows:

Council Member Johnson said there are things in the Mayor's budget that are not the proper role of government and he will not vote for a tax increase to support them. People think things are being taken away from them but he is trying to give back freedom. If the people want an event such as 4th of July or the Easter Egg Hunt they can do it themselves. City government should not spend money for entertainment. He supports the alternative budget with all of the cuts.

Council Member Wilken expressed concerns about the bad feeling that has developed within the City asking how we mend if every time we have an election people continue to gripe and complain. He has some dear friends who have different opinions but that does not lessen the validity of his opinion or make him ignorant or stupid. He believes a legitimate amount of folks don't want government to grow and he was elected to do that and now they are being criticized for not changing their minds. He is in favor of the alternative budget and win or lose, he wants Enoch to heal but it won't if all of this dissent keeps on undercutting the character of those who serve. He said the public needs to understand we could have a change in our fee schedule to fund things that need to be done and maybe we need to talk about that more. He is not in favor of closing animal control or the PD but for reducing it.

Council Member Lovell said he is not in support of the alternative budget because it cuts one PD officer. He would rather the response time be exceptional as they serve 6000 residents now. The dollars

saved don't reflect the trade off to the citizens and he would rather his tax money go for quality. He said he has no problem with some cuts and has been a proponent of some cuts but not the PD. He said he would like to wait for the election and cover the shortfall with savings for the current budget. He would rather not cut the library so he supports the Mayor's budget.

Council Member Griffiths said via cellphone that because we all shop in Cedar City we have the opportunity to draw on their resources such as the library. Even if the tax passes the problem is still there and we will be in the same bind again later if we don't cut. As a citizen he is against the tax increase and feels we can get by with less. He does not want to leave the next generation with higher taxes. We inherited a shortfall and we have to figure out how to fix it. He understands the issues with the PD and is not in favor of cutting an officer. He would be OK with covering the shortfall with savings for this budget year so we can allow for the vote to take place. We were a community before we had many of the extras we have now and we will be a community if cuts take place. He is concerned about the contention adding there are no personal agendas and those who were elected are in it for the right reasons.

Council Member Olenlager said he hopes to see this Council be willing to put off cuts until after the vote. Previous Councils have been conservative and set aside money for hard times and we all benefited however the savings will run out if we don't do something to increase the revenue stream. There is no more "fat" to cut. This is no longer a community of 700 people. We have over 6000 people now and we only provide the basic things. Property values and inflation have outpaced our tax/revenue gathering ability and it is all relative. He does not see that any future Council would waste any money if a tax increase was passed. There are far more costs involved if personnel are let go and infrastructure deteriorates not to mention morale suffering. Nothing has been done in secret and we have held more meetings than the law requires. Knowing there would be resistance, the past Council got this on the table before it became dire. He ran for office because he wanted to serve and had the time and resources to do so and that is his only reason for being on the Council.

There was more discussion of specific items and contractual obligations such as we have with the State and County on the library. City Manager Dotson said he spoke with Chief Ames and his budget has been discussed extensively. It was noted Chief Ames was not in attendance tonight due to a family medical emergency. He has made all of the cuts to the PD budget that can be made. If you cut an officer you cut service by 20% in every way.

Assistant City Attorney Nick Turner said again there can't be two budgets on the table per State statute. They are putting the budget officer in a tough position by asking him to prepare two budgets because he has to file one budget with the City Council per law. There is a process and the tentative budget, if adopted, can be amended. Dan said he is hearing three Council Members want to wait on major cuts until after the vote and that the official tentative budget will be the one known as the Mayor's budget.

Mayor Rasmussen said we are a very small government as is adding he and the Council are as frugal and conservative as anyone. He is not asking for the money for any other reason but to keep things going that are important and what we have built over years of needed and positive improvements. He said that is the direction we will go tonight. This is not a vote. We will decide in two weeks and set the public hearing adding the budget can always be amended.

5. PUBLIC COMMENTS

Mayor Rasmussen invited the public to comment saying please keep comments to two minutes each and be civil.

Matt Bracken said when he first heard about the 113% tax increase bells went off. He thought a gradual tax increase would have been better. His concern is for the PD and he agrees with what Council Member Lovell said about keeping the force intact. He said he has a son with mental health issues who threatened violence one night and the PD responded immediately. A year later the officer who responded asked how his son was doing. He loves the community involvement our PD has with residents. If we take the police presence out crime goes up and he does not want to see an officer cut. He suggested the City present to residents what proposed cuts would save each household on average so they are dealing with more

realistic numbers and not scary numbers like 113% tax increase. What would it save the average household if the library is cut? Presenting it as pros and cons would make more sense.

Lindsey Mikesell said she has commented before and was attacked by the public for saying what she thought. She said she wants the Council to consider the children in these budget decisions. She has concerns for the children of our PD officers and what they would lose if their fathers lost their job. If you take away the library it affects the children and it is not fair to take away from kids who can't vote.

Paul Swapp said he sent an email to the Council Members saying this is not the place for politics. No matter what party or beliefs you have this is a non-partisan municipality and politics and idealism should not be in it. He said his question is about the open burn between April 15th to May 15th and the newsletter saying we are under EPA rules. He said the EPA does allow for more burn times if the clearing index allows and why don't we follow that rule. Enoch has no ordinance about burning although Cedar City does. Where do we get the EPA regulations that prohibit other burn times? ***City Manager Dotson said we are regulated by the Cedar City Fire Department because we contract with them for fire protection and they make the open burn rules. They say we can burn from April 15th to May 15th because they have to respond to our fires.*** Paul suggested we should make our own ordinance about that. ***Assistant City Attorney Nick Turner said this could be an agenda item at a later date. The Council cannot discuss it now because it is not on the agenda.***

Johnny Trujillo said he has spoken to all of the Council Members about budget issues and wanted to make the analogy to marriage. There is always conflict. He has owned a business and built a big house and lost everything. Cuts needed to be made in business and he had to fire employees and stop paying himself. It was hard to do but they persevered and brought their business back up. He can live with whatever is decided and advised that items being discussed for cuts should be identified as being "wants" or "needs". He said we voted for you and whatever you come up with we will accept it. This is the best community around and he moved here for that.

Roni Laub she has one question. If the library is cut does the Bookmobile go away? ***Yes, Mayor Rasmussen said. It would go away. We provided the repository for the Bookmobile and they would have to pull out if they lost funding from us.*** She expressed concern for the "poor class" who would lose access to books and that should be considered. She expressed concerns that rumors are being spread that the PD will retaliate by slower response times if an officer is cut. It is inappropriate to say this in a City Council meeting and hearing that talk spread is incredibly upsetting.

Lethe Kelsey said she also would like to see the costs of the items being discussed for cuts broken down into what it would cost or save each household to have that service. All we see is the 113% and that number scares people. If the library payment is not due now let the public have a say in the vote. Same with the fireworks where the City gets donations to match. There is nothing wrong with keeping community "wants" that perhaps are not "needs". It builds community. She also said she defends the PD officers saying she knows they are upstanding honest people who would never behave in a retaliatory way. Some are looking for other jobs because of this insecurity and we are pushing them away. If they leave we will only get those desperate for jobs that don't care about Enoch. She worked on an ambulance crew and she always knew an Enoch officer would be there to secure the scene for them even in the middle of the night.

6. **CORRESPONDENCE**-Mayor Rasmussen said he received a huge folder of letters of support for the library from school children.

7. **COUNCIL/STAFF REPORTS**

Council Member Olenslager did not have the PD report for tonight and will combine stats at the next meeting.

Council Member Lovell said he still needs volunteers for the 4th race. The Economic Development Committee is sponsoring the Business Expo on Saturday May 17th at Enoch Elementary 10:00am to 2:00pm.

Council Member Wilcken apologized about bringing up the rumor about the PD because he wanted to defend them knowing they are upstanding honest men who would not behave that way. Arbor Day was snowed out and some showed up anyway. Over 400 trees were given away at the City Office the following Monday and the Tree Committee did great but bad weather was a factor this year.

Council Member Johnson had no other comments.

City Manager Dotson gave an update on the NRCS project. The final design work is done and approved by NRCS. We are waiting for our engineer to review it and then we can start bidding and ordering the pipe. Earl met with some suppliers today. The NRCS checkbook is ready and they want us to get started. So far they have reimbursed us quickly. We also finished up the RFP for the test well and our engineer, Tim Watson, is reviewing it. We are cleared to start drilling May 15th but are not quite ready. That will be coming to the Council for a funding decision soon.

Council Member Griffiths (by phone) said one citizen brought up we have to know the difference between wants and needs. Some on the Council are more disciplined than others with different viewpoints of what are wants and what are needs and that is where we are at as a City. Also regarding the budget he wants to say he does not agree with all the cuts but some we can live with. He would like to retain the PD as it is now. We all agree on some things but not on everything.

Dan Jessen updated the Council saying we are now fully operational for being able to update the State Transparency website. They mandated that we convert our accounts to their codes for uniform reporting for all entities posting to the system. Now that the procedure is done it will be quicker to update and the public can see all financial transactions thru the end of March 2014 online.

City Manager Dotson added he got a message from the Director of the Division of Forestry, Mike Melton saying fire officials have closed burning in unincorporated areas of several counties as of May 9th because conditions are so dry. They are being proactive in response to extreme fire danger this year and there are penalties for breaking the burn regulations. This does not apply within Enoch City until May 15th but the FD will take people to task if they burn illegally. There was a brief discussion of the recent fire west of Bulldog Road.

There were no other comments.

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

Mayor Rasmussen asked for a motion to adjourn the regular meeting and go into executive session regarding a litigation matter. **Council Member Lovell made a motion to adjourn the regular meeting and go into an executive session. The motion was seconded by Council Member Olenslager and a roll call vote was held as follows:**

Council Member Griffiths-absent
Council Member Johnson-yes
Council Member Lovell-yes

Council Member Olenslager-yes
Council Member Wilcken-yes
Motion passed unanimously

9. ACTION FROM EXECUTIVE SESSION-none

10. ADJOURN-The regular meeting adjourned at 7:55pm.

Julie Watson, Recorder

Date