

MINUTES
ENOCH CITY COUNCIL
August 19, 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 Olenlager

Staff present:

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

Public present: Michelle & Donna Pritchard, Ken & Carolyn Bauer, David Harris, Michael O'Rourke, Debra Ley, Shawn Stoor, Worth Grimshaw, Melanie Johnson, David Benkert Sr., J.D. Frisby and Carolyn Olenlager

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 Olenlager
- b. **Invocation-**Audience invited to participate-Given by Ken Bauer
- c. **Inspirational thought on Freedom-**Given by Council Member Johnson
- d. **Approval of Agenda for August 19, 2015-Council Member Wilcken made a motion to approve the agenda. Motion seconded by Council Member Johnson and all voted in favor.**
- e. **Approval of Minutes for August 5, 2015-Council Member Olenlager made a motion to approve the minutes. Motion seconded by Council Member Lovell and all voted in favor.**
- f. **Conflict of Interest Declaration for this agenda-**none stated

2. CANVASS PRIMARY ELECTION

The City Recorder recapped the election results. Mayor Rasmussen asked for a motion to accept the final results. **Council Member Lovell made a motion to accept the results of the Primary Election held on August 11, 2015. Motion was seconded by Council Member Olenlager and all voted in favor.**

3. SET A PUBLIC HEARING FOR APPLICATION FOR CIB FUNDING OF CULINARY WELL AND COMPREHENSIVE DRAINAGE PLAN

Mayor Rasmussen asked if there was more discussion noting we are required to hold public hearings before we apply to CIB in October. City Manager Dotson said before we hold a public hearing we have to have a dollar amount we will be requesting for our funding so we can determine if we are able to meet the 50% match. Currently we are still discussing what "comprehensive" drainage plan means. Previous plans are not comprehensive because they do not say what we will build. He gave examples of things drainage plans typically cover adding we are trying to determine what we will specify in this new plan. He added our policy is what needs to change first. There is no requirement that a new subdivision has to detain or retain their storm water. Our Subdivision Ordinance says you have to bring in plans to show how storm water will flow at time of construction and how it will be at time of build out but nothing addresses measures to slow or retain storm water so we need to look at that. City Manager Dotson said our

City Engineer is involved in this discussion and it all comes back to policy. Are we going to require retention or require curb, gutter, and sidewalk and at what point do we do that. He said we are trying to develop three options and suggests setting the public hearing for September 16th so we have time to get some suggestions and a dollar figure. We would like to bring the suggestions at the next meeting with options for a comprehensive plan. Council Member Wilcken said he is over drainage and wants to be involved in the discussion. He added we do have limited funds so that sets some limits in itself. The other item we are applying for funding for is the new culinary well and we are almost ready with our cost to finish that. City Manager Dotson said it might be better to have two separate public hearings. Mayor Rasmussen asked for a motion. **Council Member Wilcken made a motion to set a public hearing for the culinary well funding on September 2, 2015 and to set the public hearing for the comprehensive drainage plan funding on September 16th. The motion was seconded by Council Member Johnson and all voted in favor.**

4. ORDINANCE NO. 2015-08-19 AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES TITLE 10-000, FIRE, HEALTH, SAFETY AND WELFARE & CHAPTER 13-1000 OFFENSES AGAINST PUBLIC HEALTH AND SAFETY & CHAPTER 9-600 OTHER BUILDINGS OR CONSTRUCTION CODES

Mayor Rasmussen asked for discussion. City Manager Dotson explained some changes to the wording in the “Whereas” clauses including references to the Declaration of Independence which Council Member Johnson had favored. He explained that wording in the “whereas” clauses is the justification for the changes to the ordinance. He said part of the changes refer to State Code as was suggested by Council Member Griffiths. In regard to dangerous buildings we lengthened the time frames to 90 days as a more realistic time for mitigation.

Council Member Wilcken said as he reads this he is aware of three homeowners in his neighborhood that have homes that have been gutted or half torn down. He expressed concerns with putting the City in a position to have to do something adding these folks would never be able to pay for mitigation. City Attorney Kuhlmann said there is discretion in the ordinance and the City is not required to act.

There was more discussion of other details such as blocking surface storm water. Non-compliant owners are subject to abatement. Some penalties were changed to be less severe and escalating with multiple infractions. City Attorney Kuhlmann concurred this is a good ordinance and more enforceable. Weeds are everywhere so only weeds defined as noxious as determined by the State will be dealt with. Council Member Wilcken said he appreciates the efforts to simplify and make the ordinance clear. Council Member Johnson said he was happy with the changes but it does not go as far as he would like. Mayor Rasmussen asked for a motion. **Council Member Wilcken made a motion to pass Ordinance No. 2015-08-19, an ordinance amending the Enoch City Code of Revised Ordinances Title 10-000, Fire, Health, Safety and Welfare & Chapter 13-1000 Offenses against Public Health and Safety & Chapter 9-600 other Buildings or Construction Codes with changes as noted. Council Member Lovell seconded the motion and a roll call vote was held as follows:**

Council Member Griffiths-yes	Council Member Olenslager-yes
Council Member Johnson-no	Council Member Wilcken-yes
Council Member Lovell-yes	Motion passed 4 to 1

5. DISCUSS SIGN ORDINANCE WORDING

City Manager Dotson said he was assigned to get new wording and in reviewing the Supreme Court decision it presents some challenges. He read from the decision saying it essentially means we cannot have any content based law targeting speech. He added most cities

laws are non-compliant now. We have no place to go with this until court challenges come up and the law is further interpreted. With the Council action in the last meeting we have no regulation over what can be placed in the public way. Council Member Wilcken asked about safety concerns from signs blocking the view of traffic and that is covered elsewhere. City Attorney Kuhlmann said we can regulate those other things but not content.

Council Member Wilcken said a resident talked to him with concerns about signs in the public right-of-way which he mows by his house. When someone comes and puts up a sign in that right-of-way people think he is supporting that person and he takes exception to that. The property in front of his house is public property and how do we protect against that happening. Council Member Johnson said the property owner should be able to pull the sign. City Manager Dotson said that could be dealt with by communication between the candidate and the homeowner. We try to cover of worst case scenarios in the law.

Council Member Wilcken said he would like to drop the whole sign ordinance. City Attorney Kuhlmann said we will have no say whatsoever in what and where things are put up and he does not recommend that. City Manager Dotson asked the Council if they want this back on the agenda for the purpose of rescinding the remainder of the sign ordinance. Council Member Wilcken suggested we get rid of it all until such time as we have a problem. City Manager Dotson said what is left in the ordinance refers to handbills in the context of preventing littering. Council Member Olenslager thinks we need to regulate the placement of some things. City Manager Dotson said commercial signs are covered in the commercial zoning ordinance. Council Member Wilcken said the other option is we regulate all signs and someone has to police that. We do not have the will to do that. No action was taken. This will be on the next agenda.

6. PUBLIC COMMENTS

Carolyn Bauer said she is in favor getting rid of sign ordinance.

7. CORRESPONDENCE-City Manager Dotson he was contacted by an SUU intern asking for help with a survey on recycling. They asked for Council input and he will forward the email.

8. COUNCIL/STAFF REPORTS

Council Member Wilcken asked about the status of Half Mile Road paving. City Manager Dotson said Ashdown Brothers is starting on the south end of Half Mile next week. Council Member Wilcken said in public comments at the last meeting one citizen was rather disrespectful of the PD and he disagreed with that and wanted to express support for them.

Earl Gibson said the crew will be paving and patching roads next week.

There were no other comments.

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

Mayor Rasmussen asked for an executive session to discuss litigation. **Council Member Wilcken made a motion to adjourn the regular meeting and go into an executive session. 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

10. ACTION FROM EXECUTIVE SESSION-none

11. ADJOURN-The regular meeting ended at 6:45pm.

Julie Watson, Recorder **Date**