

MINUTES
ENOCH CITY COUNCIL
August 20, 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
Gary Kuhlmann, City Atty.
Robert Dotson, City Mgr.
Earl Gibson, Pub.Works
Jackson Ames, PD Chief-absent

Public present: Doug Jones, Michelle Pritchard, Dave Miller, John Foxx, John Hochenbernt, Clarke Arnold, Paul Swapp, Mike & Nina O'Rourke, Jolene & Bruce Lee, Jason Wilson, Wayne Clark, Reed Sargent, Clara Pickett, Chad Horman, Cathy Wentz, Kaci Hill, Mike & Toni Brayley, Christine Spencer, Krista Bulloch, Joy Meyer, Kim Sawyer, Weslie Graham, Will & Gail Arcularius, Stephen Ashworth, Ken & Carolyn Bauer and Worth Grimshaw,

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Rasmussen at 6:00pm. He welcomed the audience saying Council Member Griffiths will participate by phone.
 - a. **Pledge of Allegiance-**Led by Mayor Rasmussen
 - b. **Invocation-**Audience invited to participate-Given by Earl Gibson
 - c. **Approval of Agenda for August 20, 2014-Motion to approve by Council Member Wilcken. Motion seconded by Council Member Olenslager and all voted in favor.**
 - d. **Approval of Minutes for August 6, 2014-Motion to approve by Council Member Johnson. Motion seconded by Council Member Lovell and all voted in favor.**
 - e. **Conflict of Interest Declaration for this agenda-**none stated

2. **UPDATE ON VALLEY VIEW MEDICAL CENTER-Jason Wilson**

Mayor Rasmussen invited Jason Wilson to present his information and handout. He said VVMC is a community hospital that performs a vital service to the community and they are accountable to residents to address concerns and get feedback. He shared many good things that are going on and many recognitions and high ratings they have received from various agencies that rate hospitals. He said their employees love what they do and work as a team to make it better. Hospital services added recently include a cancer treatment center, heart, spine and pain clinics and the wound clinic. They opened a new learning center with simulators for training for all of Southern Utah's healthcare professionals. Part of their mission as a hospital is to be good community partners. They are a "not for profit" hospital which means they are not privately owned nor do they have shareholders. Profits are put back into health care services. They also support various other causes that supplement health and wellness and have liberal charity care policies giving over 4 million in charity care last year. Tele-health services are now able to get more highly skilled doctors to consult thru electronic means.

Council Member Wilcken asked how Obamacare is affecting them and Jason said it is a challenge. Health care has not been more affordable and change is needed. It is not fully implemented yet and there are some good things but it causes more hoops to jump thru and more

regulations to deal with. Mayor Rasmussen thanked them for coming and said we appreciate their service to the community.

3. DISCUSSION OF CONSTITUTIONAL RESOLUTION-Commissioner Dave Miller

Commissioner Miller said he is here at their request and gave a history of the constitutional resolution presented at the ICCC meeting a few months ago. The County Commission and Parowan have passed it because there are issues with the federal government that are affecting our citizens. He cited the endangered species act, wild horses, and roads on federal lands are constant problems and gave history on several issues. We support a healthy relationship but when it reaches a point that federal interaction is not effective then we are not comfortable with that and that is where this resolution comes from. They included police powers too because we are seeing agencies coming in without communication with the local sheriff. They are asking other local communities to support this and Mayor Rasmussen wanted to do that as these issues affect municipalities.

Different Council Members had different issues with wording. Council Member Olenslager said he did not want to appear as taking sides as we are a non-partisan Council elected to represent all residents although he personally agrees with this. He was uncomfortable with some of the language saying he would like it changed.

There was a brief discussion of the prairie dog issue and cumbersome process that is currently impeding our progress with the drainage project. Commissioner Miller said although this does not have “teeth” so to speak it is a reminder and a statement of principles. That is where we are at as a community and as a State. He appreciates the City Council considering it as all are affected.

Council Member Olenslager still did not like some of the language adding it looks like we are asking for a fight. Commissioner Miller said sometimes we have to take a stand against federal over reach. That is where the County is at and the City may not be as impacted but this is a solid message that has been given to all of our Federal Representatives and they all supported it. He added we can clean up the language and still support them. He thanked the City Council for having him to the meeting and Mayor Rasmussen thanked him for coming.

4. RESOLUTION NO. 2014-08-06 CONSTITUTIONAL JURISDICTION-See revisions

Mayor Rasmussen said we are showing support for the County and we live in the County however if they want to massage the language a bit more that is fine. City Attorney Kuhlmann said he is good with the deletions shown in the packet adding this is a resolution and it is contradictory that it is “invoking” something because resolutions do not take action. There was more discussion with the wording read by Council Member Olenslager as follows:

***NOW THEREFORE LET IT BE RESOLVED** that the Enoch City Council establishes this resolution to voice support to the State of Utah and Iron County in their efforts to wrest control of all wildlife and feral animals within the borders of Utah and within the borders of the County; and we resolve that we support their efforts with the transportation corridors established in Statute 2477 – 1866; and*

***LET IT FURTHER BE RESOLVED** that the Enoch City Council supports the Enoch City Police Chief and the Iron County Sheriff in the performance of their constitutional and statutorily authorized duties.*

Mayor Rasmussen asked for a motion and a vote. **Council Member Lovell made a motion to pass Resolution No. 2014-08-06, Constitutional Resolution, with amendments as noted. Motion was seconded by Council Member Johnson 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

5. PUBLIC HEARING ON VACATING AN EASEMENT ON THE BRAYLEY PROPERTY LOCATED ON VETERAN'S MEMORIAL DRIVE

Mayor Rasmussen asked for a summary of the last discussion. City Manager Dotson gave the history of the easement adding that we have never used the easement and we set a public hearing for tonight. It was noted by Council Member Wilcken that there is no east entrance to the parking lot and only one way in and out as that was referenced incorrectly in the last minutes.

Mayor Rasmussen asked for a motion to enter the public hearing. Motion by Council Member Johnson. Motion seconded by Council Member Olenslager and all voted in favor.

Mayor Rasmussen invited public comments regarding if there is any opposed to vacating this easement.

Mike O'Rourke asked how long this easement had been in effect. *He was told since 2002 but it was never used for intended purpose and the gate is locked.*

There were no other comments.

Motion to end the public hearing by Council Member Olenslager. Motion seconded by Council Member Wilcken and all voted in favor.

6. ORDINANCE NO. 2014-08-20-A AN ORDINANCE VACATING AN EASEMENT AS DESCRIBED IN EXHIBIT "A" AND LOCATED ON THE PROPERTY OWNED BY JATONA G. BERRY AND MICHAEL R. BRAYLEY LOCATED AT 5148 N. VETERAN'S MEMORIAL DRIVE

Mayor Rasmussen asked for a motion on the ordinance. **Council Member Olenslager made a motion to pass Ordinance No. 2014-08-20-A, an ordinance vacating an easement as described in Exhibit "A" and located on the property owned by Jatona G. Berry and Michael R. Brayley located at 5148 N. Veteran's Memorial Drive. 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

7. DISCUSS/APPROVE CONDITIONAL USE PERMIT FOR MIKE BRAYLEY FOR AN AUTO SALES BUSINESS AT 741 E. MIDVALLEY ROAD

Mayor Rasmussen invited Mike Brayley to tell them what he intends to do adding this business will be next to Juan Ortega's Auto Repair. Mike said he would like to operate a small auto sales lot. He will have at least 12 cars and the business will be neat and well kept. Council Member Olenslager said the Planning Commission reviewed this and it meets the intent of the law so they sent a favorable recommendation to the Council. Mayor Rasmussen asked for discussion. Council Member Wilcken said his concern is the fact that it is already done and that puts pressure on the City Council to approve something already in place. Mike said he just graveled the lot and put up a shed. Council Enoch City Council Meeting

Member Wilcken said when money is spent it puts pressure on them and he is just voicing an issue but has no problem with the business noting conditional use permits are good for a year so if something comes up we can look at it again then.

Mayor Rasmussen asked for a motion. **Council Member Lovell made a motion to approve the conditional use permit for Mike Brayley to operate an auto sales business at 741 E. Midvalley Road. Motion was seconded by Council Member Olenslager and all voted in favor.**

8. DISCUSS/APPROVE PETITION TO VACATE A LOT IN THE RIDGE SUBDIVISION, PHASE 13, LOT 1

Mayor Rasmussen said this has also gone to the Planning Commission and they have sent a favorable recommendation to approve this petition to vacate a lot in the Ridge. He asked if there were more questions. Council Member Wilcken said his concern is are we creating a lot smaller than the ½ acre lots required. He was told this a smaller lot because it is zoned M-R-2. The owner is vacating it from one subdivision into a parcel and making one large parcel. Council Member Lovell asked about the Village Green fees and was told this should be required in the motion. Once a lot is vacated out of Village Green we may not be able to collect the fees due to the City unless we require them in advance before the lot is sold. We have made this requirement in the past of the same owner and he is amenable. City Manager Dotson recapped we put in water and sewer to protect our water system by removing the need for septic tanks and the fees for that improvement has to be made by lot owners to reimburse the City. City Attorney Kuhlmann concurred this plat vacation is conditional upon the payment of the Village Green fees.

9. ORDINANCE NO. 2014-08-20-B AN ORDINANCE GRANTING APPROVAL OF THE PLAT & EASEMENT VACATION FOR PHASE 13, LOT 1 IN THE RIDGE SUBDIVISION OWNED BY VELOCITY DEVELOPMENT

Mayor Rasmussen asked for a motion. **Council Member Lovell made a motion to pass Ordinance No. 2014-08-20-B, an ordinance granting approval of the plat and easement vacation for Phase 13. Lot 1 in the Ridge Subdivision owned by Velocity Development contingent on payment of the Village Green fees. 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

10. DISCUSS/APPROVE PETITION TO VACATE A LOT IN VILLAGE GREEN FARMS SUBDIVISION, LOT 1, BLOCK 1

The discussion was the same as above with same contingency for fees being paid in advance in the motion.

11. ORDINANCE NO.2014-08-20-C AN ORDINANCE GRANTING APPROVAL OF THE PLAT & EASEMENT VACATION FOR BLOCK 1, LOT 1 IN VILLAGE GREEN FARMS SUBDIVISION OWNED BY VELOCITY DEVELOPMENT

Mayor Rasmussen asked for a motion.

Council Member Wilcken made a motion to pass Ordinance No. 2014-08-20-C, an ordinance granting approval of the plat and easement vacation for Block , Lot 1 in Village Green Farms Subdivision owned by Velocity Development contingent on payment of the Village Green fees. Motion was seconded by Council Member Olenslager and roll call vote was held as follows:

Council Member Griffiths-yes	Council Member Olenslager-yes
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**Council Member Johnson-yes
Council Member Lovell-yes**

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

12. DISCUSS TRUCK PARKING ORDINANCE CHANGE AND SET A PUBLIC HEARING IF A CHANGE IS AGREED UPON

Mayor Rasmussen said about two years ago the former Council implemented an ordinance that vehicles over 35-feet in length could not park on City streets. City Manager Dotson recapped saying the PD was having issues with enforcing the truck parking ordinance that was on the books at the time. There were trucks parking by the school and the churches for extended periods of time when the law said they could only park for 30 minutes. When we started enforcing it problems came up and we brought concerns to the City Council. It was discussed for three meetings. Staff and PD came up with two ordinances that had some conditions and he gave more details. There was also one ordinance version that banned parking on City streets but parking was allowed on private property.

Council Member Johnson said they have had letters from concerned citizens and he has asked for this to come back for reconsideration since two years have passed and Enoch seems pretty much the same. There never were that many trucks parked in Enoch and some are still seen parked on roads so, why have the ban? There are issues but let's discuss it again. Mayor Rasmussen said the purpose tonight is to decide if we go thru the public hearing process to change it. **Council Member Johnson made a motion to move forward and set a public hearing concerning ordinances proposed by staff regarding truck parking be reconsidered on September 3, 2014 and a public hearing be set. Motion was seconded by Council Member Lovell and all voted in favor.**

13. NRCS UPDATE AND CONSIDER DRAINAGE ENTERPRISE FUND

Mayor Rasmussen asked City Manager Dotson for an update. He said last meeting we talked about right-of-way and easement issues with a landowner and we changed the plan with the ditch going as far north as we can so it stays out of the easement in question. One challenge we have now is issues is with prairie dogs and he gave more details of impending delays adding it is unacceptable to wait that long. He spoke with Commissioner Dave Miller and the County is prepared to do a different process that will take a few minutes to designate that land as an "incidental take" area per the "Low Effect HCP". This is Enoch City property and is our own right-of-way. He will talk to NRCS Monday morning in the meeting and give them this information and see what they say. We also discussed perhaps coming up with some drainage funding. Dan recapped Council Member Wilcken's original suggestion that we reduce the sewer fee and create an enterprise fund for drainage and charge the amount we take from sewer so residents see no increase in their utility bill. There was also some talk about creating an impact fee for drainage. He reported he has worked the numbers and we could make this work giving many more details.

There was much discussion of issues with Council Member Griffiths wanting to wait until after the vote in November and Council Member Olenlager wanting a new fee leaving the sewer fee as is. There are also issues to decide about those residents who are not charged for sewer currently and how they would pay for the drainage fee. Mayor Rasmussen asked for a motion. **Council Member Wilcken made a motion to move this discussion to the next agenda and to vote in the next meeting. Motion was seconded by Council Member Johnson. Council Member Olenlager and Council Member Griffiths voted no. Council Members Lovell, Johnson and Wilcken voted yes.**

City Manager Dotson said staff will prepare information on how to implement this in the next packet.

14. PUBLIC COMMENTS-Mayor Rasmussen invited comments and asked that truck parking comments be held for the public hearing next meeting.

Clarke Arnold of MCM Engineering said it came to their attention that they are eligible for tax credits if the City creates an Enterprise Zone thru the Governor's Office of Economic Development. That would allow them to purchase machinery and to hire more people. He is asking them to consider an enterprise zone. There is no disadvantage to the City to do this.

Mike O'Rourke said he wants to confirm information on the November election and asked if there will be early voting. ***The City Recorder confirmed there will be 9 days of early voting because this election has State and Federal offices being voted on so the City does not bear the expense of early voting.***

He also asked about the speed limit change on Hwy. 91. ***City Manager Dotson explained we had to slow traffic for safety and they realize people will need time to get used to it so enforcement will not be heavy right now.***

Chad Horman said he is excited about discussion of a storm drainage enterprise fee change. It is a good idea that makes sense.

Ken Bauer said he would like to comment on truck parking but can't attend that meeting. ***He was told he could write a comment and have it read by another or send an email that will be passed to the Council Members.***

Christine Spencer said she is not clear on the speed on Minersville Hwy. and was told it is 55 mph.

15. CORRESPONDENCE-none

16. COUNCIL/STAFF REPORTS

Council Member Wilcken reviewed the deadline to submit letters of interest to write the VIP is August 28th.

Council Member Johnson reported on the Water Board meeting.

Julie Watson reported she would be out of town next week and will do the agenda on Aug. 30th.

City Manager Dotson reported on the Iron Days Festival at Enoch Elementary and gave details referring the Council to the website. He also reported staff will be creating a PO system. He gave details of the current system saying how a PO system would work within the budget to make our accounting in "real time". The program is available thru Caselle and this will help us be more accurate in budgeting. He also reported the library will be closed for three more weeks while they hire a new tech. We have had people upset about that.

Dan Jessen concurred on the PO system and gave more details of the improvements it will make. He reported the auditors will be in next Wednesday thru Friday.

Earl Gibson reported the chipsealing was moved up to tomorrow instead of later in September. There were no other comments.

19. ADJOURN-Motion to adjourn by Council Member Wilcken. Motion seconded by Council Member Olenslager and all voted in favor. The meeting ended at 8:42pm.

Julie Watson, Recorder

Date