

MINUTES
ENOCH CITY COUNCIL
December 3, 2014 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Robert Rasmussen
Council Member Destry Griffiths
Council Member Steve Johnson
Council Member Kirk Lovell-phone
Council Member Mike Olenlager
Council Member Gary Wilcken

Staff present:

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

Public present: Doug Jones, David Owens, Bob & Tina Graul, Nicole & Chris Johnson, Cassie Easley, Taylor Ellison, Officer Dustin Roy, Michelle & Donna Pritchard, Carolyn & Ken Bauer, Delaine Findlay, David Benkert, Sr., Will & Gail Arcularius, Bruce & Gail Gookin, Donna & Mary Ann Crase, Brazil & Gloria Dahl, Michael O' Rourke, Amy Heer, Lyle Goulding, Carolyn Olenlager, Spencer & Shirley Jones, Tracie Sullivan, Angela Zacarius, Josh Killian, Tim Watson

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Rasmussen at 6:00pm. He welcomed the audience saying Council Member Lovell will participate by phone.

- a. **Pledge of Allegiance-Led by Mayor Rasmussen**
- b. **Invocation-Audience invited to participate-Given by City Manager Dotson**
- c. **Approval of Agenda for December 3, 2014-Motion to approve agenda by Council Member Johnson. Motion seconded by Council Member Olenlager and all voted in favor.**
- d. **Approval of Minutes for November 19, 2014-Motion to approve minutes by Council Member Olenlager. Motion seconded by Council Member Wilcken and all voted in favor.**
- e. **Conflict of Interest Declaration for this agenda-none stated**

2. CANVASS OFFICIAL ELECTION RESULTS

Julie Watson, City Recorder recapped the number of votes on the referendum. Mayor Rasmussen added there was a higher voter turnout than usual and we would like to improve on that in future elections. **Council Member Wilcken made a motion to accept the results as tabulated by the Iron County Clerk. Motion was seconded by Council Member Johnson and all voted in favor.**

3. DISCUSS TENTATIVE BUDGET AND SET A PUBLIC HEARING

Mayor Rasmussen asked if there was further discussion needed since last meeting. Dan said one change was made in the water company to move \$10,000 in funds from professional consulting into meter purchases as it came to our attention that we need to replace some water meters that are not reading properly. That is the only change since the last discussion and has a net zero effect in the water department. Council Member Wilcken clarified that this budget will cover the deficit and will balance with no more changes needed at this time. Council Member Olenlager added he hates to see library go but sees no other place to cut. Council Member Wilcken asked if the Council can hold the public hearing on January 7th and vote in same meeting if they are ready and Assistant City Attorney Nick Turner confirmed they could do that. Mayor Rasmussen asked for motion to approve the tentative budget and set the public hearing for January 7, 2015. **Council Member Wilcken made a motion to approve the tentative budget and set a public hearing for January 7, 2015. Motion was seconded by Council Member Lovell and all voted in favor.**

Mayor Rasmussen asked Dan and City Manager Dotson to post the budget on the website and have a hard copy available for the public. It was noted the public hearing will be advertised in the newspaper no later than ten days before the public hearing as well as being noticed in writing in the office and on social media. There was a brief discussion of the sales tax collected and that we charge 1% for our portion. Sales tax accounts for about \$8000 a month in revenue.

4. REVIEW ONE-YEAR AND FIVE-YEAR CAPITAL IMPROVEMENT PLANS

City Manager Dotson gave background information saying the City has 1-year and 2 to 5-year lists of capital projects which have basically been the same for several years. The reason we must submit the list to the Five County Association of Governments is to be able to apply for CIB (Community Impact Board) or CDBG (Community Development Block Grant) funds should we need to. Submitting the list does not mean we will apply for funds but meets the requirement if we want to apply. He recapped saying CDBG is federal money and has many requirements and strings attached to it. CIB is State money that comes from mineral leases and is simpler to get. He said the City Council is required to approve the lists each year before they are submitted. CDGB paid for our sewer system and a water tank in the past. The new well is in progress as we speak and the test pumping will be completed before year end. We will need funds for the well house, pump and electronic parts which are estimated at \$850,000. He added we intend to seek CIB funds for that. It may be part low interest loan and part grant. He gave more details of the criteria and requirements saying they like to see more than one source of revenue and they become more willing to give funds when participating funds are already in the mix. These lists are not set in stone and projects depend on many factors and are part of our future planning. He cited the example of the new animal shelter for which we have been saving for a number of years. He talked about the priority rankings and gave more details about the items on the lists. Council Member Wilcken said the challenge is when we put together a plan the plan can change. The fact we adopt this today does not tie us to the plan however we can't even apply unless we submit this list. Council Member Wilcken said there is a set amount in these funds and we are competing against other communities. Council Member Griffiths asked if we could have fewer items on the list. City Manager Dotson said this is much smaller than most cities' lists. Assistant City Attorney Nick Turner concurred this just gives us ability to apply for funds should we need to and in no way encumbers the City to anything else. This has to be submitted by Dec. 31st. Council Member Wilcken asked that the lists be given to the Council earlier next year. Council Member Johnson asked about making changes and said he wants to table the vote until the next meeting as he would like comments from public on this. City Manager Dotson commented this has been in our plan for years now.

5. RESOLUTION NO. 2014-12-03-A A RESOLUTION APPROVING THE ONE-YEAR AND FIVE-YEAR CAPITAL IMPROVEMENT PLANS

Mayor Rasmussen asked for a motion. Council Member Johnson made a motion to table Resolution No. 2014-12-03-A until December 17, 2014. Motion was seconded by Council Member Griffiths and all voted in favor except Council Member Olenslager who voted no. Motion passed 4 to 1.

6. REVIEW THE UTAH TRANSPORTATION COALITION AGREEMENT

Mayor Rasmussen asked City Manager Dotson to explain this. He said the ULCT (Utah League of Cities and Towns) has combined with the Utah Association of Counties and the Salt Lake Area Chamber of Commerce to band together to push legislature to deal with transportation funding which has been done poorly in the state and does not meet current needs. This coalition will study different ways to more expertly fund transportation in the state. They will do research and analysis and he referred the Council to the agreement in the packet. This will aid municipalities in creating public awareness of the issues and potential solutions. The Council went thru the agreement and terms and conditions.

Council Member Olenslager asked the benefit to Enoch of joining in this. City Manager Dotson said they will provide us with the information they develop and we can give that to the public. We can also give our ideas as part of the coalition. Council Member Griffiths asked about the \$100 financial support requirement. City Manager Dotson said the \$100 is to pay the consultant which is Salt Lake Chamber of Commerce who will do the work, adding this is a one-time cost. The project will be completed on June 30, 2015 and will provide us with how we could get funds for our particular city's transportation needs. Findings would be submitted to the State Legislature who has to make changes in 2016. There were concerns expressed about this being a lobbying organization and a discussion ensued. It was stated lobbyists are required to register as such and that is not the purpose of this group. The purpose is to find solutions to transportation funding and the group dissolves when the study is done.

Council Member Wilcken asked what City Manager Dotson anticipates we will get. City Manager Dotson said he does not have the time or expertise to work out an individual solution for Enoch but this group will do that work for us. He does not have the details about how to change the funding structure for road funding saying in Enoch we are not able to do nearly what we need to do each year for road maintenance. If we don't join we don't get the information. This has been presented in different municipalities and many are joining.

Mayor Rasmussen said everyone is having a hard time funding and maintaining road structure and if we band together we can get a consultant for \$100 to explore this and get good ideas to maintain our roads in the state. The "Class

C” road funds we get are not keeping up with inflation. We do less road maintenance now than 20 years ago even though we have more roads. We should maintain ten miles of road a year in Enoch and we maintain three miles a year. Our roads would last longer if we had more funding. It costs less to do it right but currently the funds from gas taxes do not keep up with needs.

Council Member Johnson said there is no goal other than to get cities to put in \$100 to support this and it does not say what we are supporting. Council Member Wilcken said we are going for new funding solutions. Council Member Lovell said if you look at gas prices, the taxes go to federal and state and they have not kept up with the reality. An unintended consequence of more fuel efficient cars is less fuel tax coming in. That is a diminishing return so we need to figure out new ways to raise road funds and be more equitable based on how we are driving now. For our \$100 we are getting a plan for how the funds can be raised. \$100 is cheap to get his information. Council Member Olenlager agreed.

Council Member Johnson still had issues with the project saying they want us to sign on not knowing what it is. Council Member Lovell said he is reading too much into it. They come up with the information and give us the tools to help explain it but we don’t have to use the tools if we don't want to. Council Member Lovell said this is a way to help the Council interpret and pass information along. Council Member Lovell said we can be cynical of the information when it comes back but should not be cynical of this proposal.

Mayor Rasmussen asked Assistant City Attorney Nick Turner what he thought and he said it is not binding in any way to use the information. Council Member Griffiths expressed concerns with who the private sector is. He added is this information going to help Granite Construction and the Wasatch front over everyone else. Mayor Rasmussen said it is hard to attract business without a good road system in the State. Council Member Lovell said he takes it to mean we would all be more competitive. There was more debate about the meaning of this and to get a legislative solution with some Council Member expressing concerns with putting Enoch’s name on it. Mayor Rasmussen said we are not supporting anything until they come up with something. We are not held to any solution. Council Member Wilcken said they give the information to us and then we decide what to do with it. Council Member Johnson said he is being cautious. This is a non-government agency who is trying to organize a coalition and hire a professional for a new vision. He does not believe governments should support things to make an end run around elected people adding it needs a closer look. Council Member Olenlager said this is to find solutions to funding and it is not a big deal for a private/public partnership. Council Member Johnson said he does not want to pass it today with no public input. Council Member Wilcken asked about the deadline to join. City Manager Dotson said we would need to do this before year end as the project will be done by June, 2015.

7. RESOLUTION NO. 2014-12-03-B A RESOLUTION APPROVING THE UTAH TRANSPORTATION COALITION AGREEMENT

Mayor Rasmussen asked for a motion. **Council Member Johnson made a motion to table Resolution No. 2014-12-03-B until January 7, 2015 to get public input.** There was no second to the motion so it died.

Council Member Olenlager made a motion to approve Resolution No. 2014-12-03-B to join the transportation coalition now. There was no second to the motion so it died.

Council Member Wilcken made a motion to vote on Resolution No. 2014-12-03-B on December 17, 2014 after gathering more information. Council Member Griffiths seconded the motion and all voted in favor except Council Member Olenlager who voted no. Motion passed 4 to 1.

8. PUBLIC COMMENTS

David Benkert said what if this coalition is in favor of raising the gas tax. We don’t know anything about them adding he is glad we tabled this so as not to be suckered in. He thanked all who voted against the tax increase. When people are afraid they surrender liberty for safety and it is in the government interest to keep people afraid. He read a quote from 2012 made by former and present Council Members who said if the tax increase does not pass we will be on hold until 2015 and then we may not have street lights, snow plowing, parks, etc. A lot of that did not happen and we are less in the red now. It appears the tax increase as proposed was not necessary. The Council Members are guardians of a sacred trust and should be honest in their dealings. He thanked the City Council for their service.

Donna Crase said she was a lobbyist for citizen’s rights and that is how groups operated. They got groups together to do a study and many did not have a lot of input. They would say this is the decision or the facts and so this is what should be done. When legislators hear this being said they are being lobbied and she knows how it works. UDOT has been exposed as a very corrupt organization that spends huge amounts on wages. She applauds Council Member Johnson for wanting more information.

Ken Bauer said the gas tax has not kept up and he buys a lot of fuel \$80 to \$90,000 and the tax does not go down. When he registers vehicles he found a corridor tax and he has not seen any results of that corridor and yet they continue to tax for it. Maybe it will lead to toll roads and we should not jump into it adding they need more study on this. Don't get us stuck into something we don't know what it is. Government and private entities working together is not always good and Granite Construction could hurt local companies. They are from CA.

Gail Arcularius read a prepared statement saying the Council has a big responsibility to keep services intact and to consider the animal shelter and Chris Johnson. She counseled as they are making decisions they should go to the shelter and ride along with Chris to see what it takes to do her job. Chris has won multiple awards for all the good work done for animals and she has always done more than is required. She is involved in multiple community services and arranges adoptions often on her own time and expense. Because of her credibility alone the good name of the Enoch shelter brings in thousands in donations and she elaborated. This is a drop zone for irresponsible animal owners which is a public safety concern with unvaccinated animals. Cutting back on the shelter will cause insurmountable problems in the near future. She encouraged the City Council to please study this decision before making cuts to animal control. Going back to a "kill" shelter is not an option for Enoch. There was applause.

Donna Pritchard added Gandhi said the greatness of people is judged by the way animals are treated. We are also judged by how we treat the caretakers of animals.

Cassie Easley said in regard to the road coalition and whether we participate we are only getting information and that does not change what the legislature does. We will still benefit whether we do this or not and \$100 puts our name on the list. She brought up the second amendment foundation that sent a letter regarding our unconstitutional gun laws wondering if that had been addressed to correct gun rights in City code

Mary Ellen Crase said she volunteers at the shelter and wants to put to rest a rumor that Chris Johnson protects her friends saying that is not true because she has had ten animal control tickets and is one of Chris's best friends. Chris does her job very well without bias. She cited the case of the horses rescued last winter which made international news due to Chris Johnson.

9. CORRESPONDENCE-none

10. COUNCIL/STAFF REPORTS

Council Member Lovell said he thought we dealt with the second amendment issue. *City Manager Dotson said City Attorney Gary Kuhlmann is in touch with the group who sent the letter and is working on it. The item will come back to the Council in the next year.* He added he thought he had been misquoted on his intentions for the budget cuts in reference to making people be afraid adding many of those things have been severely cut already or would be in the next budget. These are areas we are looking at for possible cuts and the quote is a twist of what his intention was. Regarding the discussion today he agrees with Council Member Griffiths and Council Member Johnson that we need more information but cautioned not to judge the efforts people are trying to make adding he pays a lot of gas tax too. The solution can't be worse than the problem and he hopes they share any information they get on this.

Council Member Olenslager said he thinks Granite Construction is a Utah company, not an outsider trying to horn in. All we are doing is supporting this dialog between people on an issue and he does not see the need to keep putting it off. What we as a City do is what counts. He noted an uptick in economic development bringing in \$60,000 more than anticipated. We did not have that information back when the tax increase came up. Hopefully that will continue so cuts don't have to be severe.

Council Member Wilcken said he appreciates that things are looking better with the City budget. Gas prices are down and that helps. He counseled the public that they have an obligation to get over what has gone on before and let it go. The election is over and we will all try to be vigilant to do what is right for the City.

Council Member Griffiths said regarding the transportation coalition that we all agree it is good to support the free market but he is not a supporter of big business merging in with government as they squeeze out smaller businesses.

Council Member Johnson said he is grateful to City Council for tabling the two resolutions because they got pertinent comments from public already.

Earl Gibson said by the end of the week Midvalley Road will be opened back up. The well drilling is going good and is on schedule.

City Manager Dotson said the Economic Development Committee meets tomorrow night and will be discussing commercial zoning and changes that need to be made. The Family Dollar grand opening will be on Saturday at 7:50am. The City Council and Mayor Rasmussen are invited to participate. A young boy who has been diagnosed with cancer will

cut the ribbon. He reminded the Council to call to sign up to bring a pot luck dish to the Christmas party after Council meeting on December 17th. The meat is being donated by our City Attorney and cooked by Mike Berg. He reported we are communicating the best we can with residents in the construction area. Safety is the primary concern and children need to be kept away from the work areas. The NRCS will do a site visit to go over the financials with Dan on Friday. He gave a brief report on the belt route under construction which started at the south end in Kanarraville going to Highway 56. This is to be used by the Alton coal trucks to keep them off main roads and is an ongoing project. Phase 1 will be completed next year. The belt route is being funded by a fee charged when vehicles are registered each year. He added he and Mayor Rasmussen are on the Iron County Rural Transportation Board and he noted the north interchange project is tenth on ICRPO's list putting it out to about 2040.

Nick Turner added in regard to information gathering on the coalition, he knows Cameron Diehl of the Utah League of Cities and Towns and he is fairly approachable so he would be a good resource for questions from the Council and residents. The ULCT is a reliable and safe source of information.

There were no other comments.

1. ADJOURN-Council Member Olenslager made a motion to adjourn. Motion was seconded by Council Member Wilcken and all voted in favor. The meeting ended at 7:45pm.

Julie Watson, Recorder

Date