

**MINUTES**  
**ENOCH CITY COUNCIL**  
**February 18, 2015 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-absent  
Council Member Mike Olenlager  
Council Member Gary Wilcken

**Staff present:**

Julie Watson, Recorder  
Dan Jessen, Treasurer  
Gary Kuhlmann, City Atty-absent  
Robert Dotson, City Mgr.  
Earl Gibson, Pub.Works  
Jackson Ames, PD Chief

**Public present:** David Owens, Sue Abbiss, Dilworth Armstrong, Jim Allen, Michael O'Rourke, Spencer Jones, Steve & Louise Lawrence, Jolene Lee, Robert Lawrence, Tim Beery, Clara Pickett, Donna & Maryellen Crase, Lyle Goulding, Cassie Easley and Carolyn Olenlager

**1. CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Rasmussen at 6:00pm. He welcomed the audience and excused Council Member Lovell.

**a. Pledge of Allegiance-**Led by Dan Jessen

**b. Invocation-**Audience invited to participate-Given by Robert Lawrence

**c. Approval of Agenda for February 18, 2015-**Mayor Rasmussen asked for an executive session as the first item on the agenda. **Council Member Olenlager made a motion to approve the agenda with that change. Motion seconded by Council Member Wilcken and all voted in favor.**

**d. Approval of Minutes for February 4, 2015- Council Member Johnson made a motion to approve the minutes. Motion seconded by Council Member Olenlager and all voted in favor.**

**e. Conflict of Interest Declaration for this agenda-**Council Member Griffiths said he had a conflict on item #2. No other conflicts were stated.

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

**Council Member Wilcken made a motion to go into an executive session for discussion of a personnel matter. Motion was seconded by Council Member Griffiths and a roll call vote was held as follows:**

**Council Member Griffiths-yes**

**Council Member Johnson-yes**

**Council Member Lovell-absent**

**Council Member Olenlager-yes**

**Council Member Wilcken-yes**

**Motion passed unanimously**

The City Council adjourned to executive session at 6:05pm. They returned to the regular meeting at 6:35pm. **Council Member Olenlager made a motion to reconvene the regular City Council meeting. Motion was seconded by Council Member Johnson and all voted in favor.** Mayor Rasmussen called meeting to order.

**13. ACTION FROM EXECUTIVE SESSION-none**

**2. REAPPOINT THREE MEMBERS TO THE PLANNING COMMISSION-**

**Council Member Olenslager made a motion to table this item in light of some issues and will bring it back on the agenda for March 4th. Motion was seconded by Council Member Johnson and all voted in favor.**

**3. DISCUSS CHANGES TO RESIDENTIAL SOLICITATION APPLICATION REQUIREMENTS-**

Mayor Rasmussen said we may not be ready to act on this item yet and may want to table it. Council Member Wilcken asked if we could discuss it tonight anyway but not vote on it. Mayor Rasmussen invited discussion. Council Member Wilcken said he talked to City Manager Dotson and Chief Ames today saying we want to keep our residents safe but without heavily restricting the individual who is trying to make an honest living. We have had a few experiences with bad ones but in our desire to protect residents we make it harder for most solicitors who are good people. Council Member Johnson recounted his experiences as a door-to-door salesman which is one of oldest and most respected ways of earning a living adding people should be able to go door-to-door to offer products for sale however we have passed ordinances to make it virtually impossible for them to do this. Many companies stay alive by traveling around.

At issue is the new requirement staff would like to add that background checks have to be within 30 days old. That requires solicitors to have to keep getting new background checks and paying the associated fees in order to make a living. There was a brief discussion of some past problems with solicitors with criminal records who have worked in Enoch and been arrested. Most are from out of state and we do not have access to their background history from other states unless they commit a crime at which time their records are run. Council Member Olenslager said he does not want people coming to his door and where is his protection. Some are very aggressive and he wants protection adding it is good the PD knows people are soliciting in town because they get calls from concerned residents.

Mayor Rasmussen asked Chief Ames what his position is and he said there has to be a balance here. The question is what is the duty of the City, if any? Should we intervene by checking solicitors out at the beginning or let them go? Most solicitors are fine law abiding citizens however the PD does get called out and we have had experiences with some bad apples too. We have had instances where they go into homes and are very aggressive with people. Should we put mechanisms in place to prevent that? We can do a background check only for Utah criminal history. It was asked if posting a "no soliciting" sign is grounds for charges if they come onto your property anyway and Chief Ames said yes. Council Member Johnson said he understands not wanting to be disturbed but who said government should protect us from being disturbed. City Manager Dotson said when residents call the police they are saying they don't want to be disturbed and are asking the City to do something about that. Council Member Johnson said there is no need to make this change. There is plenty of protection in our ordinances already without that.

Council Member Wilcken asked Chief Ames to revisit this with staff then bring it back if it is determined we need to consider a change. Chief Ames said most of the time they get called for an issue with a solicitor and then they check them for a business license as part of the investigation. Nothing restricts the PD from responding when a citizen calls. They can run a history if a crime is committed. Mayor Rasmussen agreed he liked Council Member Wilcken's suggestion to revisit this and bring it back if necessary or leave it as is. Chief Ames asked again if the Council thinks we should vet these people or not. We would take it from there with the particulars of the requirements if the Council thinks we need to do this. We will always get calls he added. City Manager Dotson said we recognize Cedar City's door-to-door solicitor's license reciprocally and tonight we are talking about instances when they do not have a license from

Cedar City. Chief Ames said he thinks in personal experience there is an expectation from residents that there is some sort of screening process and most think the City should do something so that is why this is on the agenda.

Mayor Rasmussen asked the Council if they want staff to review this again or not. The background check serves no function Council Member Johnson said. Freedom is good. We like preemptive laws to stop things but that was not how it was meant to be. City Manager Dotson said because we have had problems we made a law to solve it. The whole idea is to be preemptive and nip problems in advance and this is the solution staff had. Preemptively we say if you solicit in Enoch we expect you to adhere to our rules which include stopping at 8:00pm, having a background check and not being aggressive. If you do that then you have no problems. Council Member Griffiths said he would prefer to say "dark" instead of 8:00pm as it is relative with the seasons. Dan added the preemptive requirements have a deterrent factor. If I am a bad guy and know I have to get a background check I may move on to another place. We need to vet people. Council Member Wilcken said again lets have staff relook at this and come back with a suggestion to accommodate the concerns expressed and all agreed to that suggestion.

4. **ORDINANCE NO. 2015-02-18 AN ORDINANCE AMENDING THE ENOCH CITY CODE OF REVISED ORDINANCES PART 9-450, SECTION 000-007, PART 7, TO CHANGE THE REQUIRED DOCUMENTATION TO BE SUBMITTED WITH EACH APPLICATION FOR DOOR-TO-DOOR SOLICITATION**-No action taken

5. **DISCUSS CHANGES TO FEE SCHEDULE**

Mayor Rasmussen asked for questions on the changes submitted. Council Member Wilcken said in talking with City Manager Dotson the parts of the fee schedule relative to water are housekeeping corrections only and are not changing anything we already do regarding water rates. We are correcting the numbers on the schedule to bring them in line with the computer and the way we actually bill for water. He explained the breakdown on water usage for rates.

Council Member Johnson said the public might want to know about the other changes saying we are charging solicitors \$10 rather than \$5 for the license. The maximum that can be charged on a credit charge is \$300. There will be no refunds under \$10 given and we are adding a fee of \$25 for sex offender registry. City Manager Dotson said that is mandated by State law and this is to cover administrative costs to do this process. Council Member Wilcken said Chief Ames said we have 6 to 8 offenders in Enoch that we know of so this is not a revenue stream for the PD and is only to cover their time and costs to do what they have to do for the registration requirements. It is time consuming. He added this reflects a realistic fee for costs and is an annual fee charged one time even though some offenders are required to register multiple times per year.

Council Member Wilcken questioned the item saying \$10 or less would not be refunded seeing that as an issue. If he is due \$9.50 he wants it back. Dan said this pertains to credit cards because of the costs and fees to the City to do refunds. There are transaction fees for anything to do with credit cards. Both of these items have been our policy but were not in writing on the fee schedule. The Council could change that policy if they want to. It would not be cost effective to refund small amounts via credit card but we could refund by check instead and that was acceptable to the Council. Dan explained the reason we do not take credit card payments over \$300 is the fees the City is charged by the credit card companies. Dan said we as a City have a special rate because most of our transactions are for utility payments and there is a very low to nonexistent dispute rate so the card companies can give us a better deal. If we take credit cards for building permit fees we can't qualify for the low utility rate. City Manager Dotson brought up the selling of water keys for \$18 and that we wanted to change that to reflect our actual cost to purchase the keys. He said after talking with Council Member Wilcken and staff there is really no

need to even sell the keys because the demand is so low. It was meant to be a convenience for residents. Council Member Wilcken agreed we should not be in that business and he would like that item deleted from the fee schedule. City Manager Dotson said the other changes were to add the word “lateral” to be more direct and specific with water connection fees. He explained this is to install a lateral line off of the main line and our fees are specific to the lateral lines.

**6. RESOLUTION NO. 2015-02-18 APPROVE AND ADOPT CHANGES TO THE ENOCH CITY FEE SCHEDULE**

Mayor Rasmussen asked for a motion. **Council Member Wilcken made a motion to approve Resolution No. 2015-02-18 to approve and adopt changes to the Enoch City Fee Schedule with changes as noted in the discussion. Council Member Olenslager seconded the motion and a roll call vote was held as follows:**

<b>Council Member Griffiths-yes</b>	<b>Council Member Olenslager-yes</b>
<b>Council Member Johnson-yes</b>	<b>Council Member Wilcken-yes</b>
<b>Council Member Lovell-absent</b>	<b>Motion passed unanimously</b>

**7. CLOSE REGULAR MEETING AND GO INTO CDA MEETING-See separate agenda**  
Mayor Rasmussen asked for motion to enter into a CDA meeting. **Council Member Johnson made a motion to go into a CDA meeting. Motion seconded by Council Member Wilcken and all voted in favor. Regular meeting adjourned to CDA meeting at 7:18pm.**

**8. REOPEN REGULAR COUNCIL MEETING- Council Member Olenslager made a motion to return to the regular meeting. Motion was seconded by Council Member Johnson and all voted in favor.** Regular Council meeting resumed at 7:35pm.

**9. PUBLIC COMMENTS**

Maryellen Crase asked why all the minutes are not posted on the website and after verification on other computers was told the issue was with her device. The minutes from each meeting are posted as required by law.

**10. CORRESPONDENCE-none**

**11. COUNCIL/STAFF REPORTS**

Council Member Griffiths commented regarding solicitors asking for those who don’t want them, could we make a” no solicitation list” that people could sign up to be on to give out to solicitors. He expressed concerns that it may not be workable. Mayor Rasmussen suggested residents just put out a “no solicitation” sign adding we could have staff look at it to see if doable or legal.

Council Member Olenslager reported the PD, since January, have responded 319 calls for service, written 95 reports, had 114 traffic stops, given 23 citations and 91 warnings. They have had updated training and regional firearms training and done well. He commended them for good job.

Council Member Wilcken said he appreciates the work being done and appreciates staff answering their questions. He also thanked Chief Ames for doing good work.

Council Member Griffiths said regarding the PD and citations that it is officer discretion to give them and we support that.

Council Member Johnson apologized to the Water Board for missing the meeting. He had an emergency at work. He talked to Earl who told him they are cleaning up on the drainage project and working on designing the well housing and building for the well project.

Mayor Rasmussen said it is time to start the budget process for the new fiscal year and asked the Council how they want to go about this. We could hold work meetings if needed. He explained we usually have the department heads work up their own budgets for review by the Council. We

would try to do as much as possible in regular meetings but may need work meetings too. There was more discussion of Dan's projections and that income is looking good. Dan said this is significant because we projected higher sales tax and made those changes and it is coming through as projected. Dan recapped how we did things last year suggesting we start with staff and department heads preparing their budgets. He would give projections on revenue. Council Member Wilcken said this is guesswork at best and all we can do is make the best guess. We may need at least one work meeting for that with the department heads. The budget is a one-year operating plan and we need to fund priorities. The question becomes what are the City's goals and plans. City Manager Dotson said we will put together the "story" and the "plot" is what we do and how we do it. Dan figures what it costs and the Council decides the priorities. Any work meetings would be public meetings but not for public comments until the actual public hearing. City Manager Dotson was assigned to review the budget deadline dates and come back with a proposal on March 4<sup>th</sup> for what we need to do so we have time to get it done.

City Manager Dotson reported we are working with the county and UDOT on the north leg of the belt route from Highway 56 to the north and around to I-15. He also reported we received a letter from ULGT who is our insurance carrier for liability, health etc. and is self-funded. Due to lower than anticipated claims within the pool as a whole, Enoch is going to receive a dividend of \$2997 for last year. They are nonprofit organization.

Julie Watson reported there may be a recommendation from the Water Board on the next agenda.

Dan Jessen reported the County Commission is having a public hearing in regard to selling the ambulance building so it appears it is moving forward to privatize the service.

**14. ADJOURN-Motion to adjourn by Council Member Olenslager. Motion seconded by Council Member Griffiths and all voted in favor.** The meeting ended at 7:54pm.

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**Julie Watson, Recorder**                      **Date**