

**MINUTES**  
**ENOCH CITY COUNCIL**  
**February 5, 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  
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-absent  
Jackson Ames, Police Chief

**Public present:** Ken & Carolyn Bauer, David Scott, Chris Johnson, Michelle Pritchard, David Bernkert Sr., Carol & Taiga Rohrer, Officer Ryan Coleman, Carolyn Olenslager, Jay Calloway, Shelly Boebert, Weslie Graham, Cathy Wentz, J.D. Carter, Clara Pickett, Joy Meyer, Jordan Barben, Christine Spencer, Brandon Cox, Dennis Ayers and Shannon Johnson

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 Johnson
  - b. **Invocation-**Audience invited to participate-Given by Council Member Wilcken
  - c. **Approval of Agenda for February 5, 2014-Motion to approve agenda by Council Member Olenslager. Motion seconded by Council Member Wilcken and all voted in favor.**
  - d. **Approval of Minutes for January 15, 2014-Motion to approve minutes by Council Member Wilcken. Motion seconded by Council Member Lovell and all voted in favor.**
  - e. **Conflict of Interest Declaration for this agenda-**none stated

2. **2013 COMMUNITY OF THE YEAR -ENOCH CITY- FROM THE UTAH COMMUNITY FOREST COUNCIL**

Mayor Rasmussen invited Shelly Boebert to come up with the plaque and tell about the award. Shelly said it was given to Enoch City by the Utah Community Forest Council. They recognize one city in the state and we were chosen for being a Tree City USA for nine years. She presented the plaque to Mayor Rasmussen who said the thanks goes to Shelly for the good work she does to beautify Enoch City.

3. **RECOGNIZE OUTGOING BOARD/COMMITTEE MEMBERS**

Mayor Rasmussen said those being recognized are not here tonight. We would like to thank three individuals for their service to the City. Kurtis Maxwell was on the Board of Adjustments for six years, Brent Davis on the Economic Development Committee last year and Gary Jaeger on the Tree Committee for four years. We appreciate the willing service of residents.

4. **REQUEST FROM REC COMPLEX 501(3)C BOARD FOR PERMISSION TO SELL ADVERTISING BANNER SPACE ON FENCE FOR FUNDRAISER**

J.D. Carter came forward to represent the 501(3)C saying he is the Chairman of the Enoch Recreation Association who handles fund raising for the Rec Complex. They hope to do a playground there and to cater to AYSO and Summer Games crowds. He said they are seeking

permission from the City Council to sell advertising banners which will be hung on the east fence facing into the park not onto I-15. He said he checked with UDOT and there are no issues as long as banners face into the park although they can put special banners for events on the outside of the fence facing I-15. Sponsors, interested in purchasing this advertising would pay \$250 for the first year which includes the banner and would receive a discount if they renew for another year. He said they will pay a 10% commission to anyone who sells the advertising banners. Mayor Rasmussen asked about wind and J.D. said Star Sign & Banner has specified the banners will be designed for outdoor use and will be attached properly to withstand the wind. Council Member Wilcken asked about using only the east side fence inquiring if they would want expand later? J.D. said they are starting there because that side is the most visible but would expand if the interest is there so they would not like to be limited by this permission request. City Manager Dotson said to make sure they meet distance regulations for UDOT. Mayor Rasmussen asked if there were concerns and there were not so the City Council gave permission for advertising banners to be sold and displayed at the Rec Complex.

**5. DISCUSS CHANGES TO ENOCH CITY CODE OF REVISED ORDINANCES REGARDING THE APPEAL AUTHORITY**

Mayor Rasmussen said we are bringing this back from the last meeting and asked for discussion on any further issues. He reminded the Council this board hears land use issues only and we had decided to stay with a five member board. There was an issue on page 1, item B. requiring a sentence to made gender neutral. Section 12-123 item A. shall be corrected to read “The Appeal Authority shall....adopt rules that comply with all , rather than any, ordinance adopted by the City Council. There was a discussion of how votes would be counted and what is required for a majority. We can take action upon a majority of convened members. This issue is currently being discussed in the Utah Legislature and State law may be changed in this session. Because of that it was discussed that we should wait for the Legislature’s decision before moving on to set the public hearing and consider the ordinance.

**6. SET A PUBLIC HEARING FOR FEBRUARY 19, 2014 REGARDING CHANGES TO THE APPEAL AUTHORITY**

Mayor Rasmussen asked for a motion. It was noted that if we need to change the ordinance again should the Legislature change Utah law, another public hearing would need to be held. **Council Member Johnson made a motion to table this issue until the March 19, 2014 meeting to set the public hearing after the State Legislative session is over. The motion was seconded by Council Member Olenslager and all voted in favor.**

**7. DISCUSS SEWER FEE/DRAINAGE FEE-**

Council Member Wilcken asked if this idea is feasible and makes sense. His intention was to fund drainage without raising fees by reducing the sewer fee and creating a new fee and enterprise fund for storm drainage. He clarified he was not proposing moving existing funds but shifting the fee structure only. City Manager Dotson detailed the issues for the sewer company. Their expenses and obligations in regard to the Wastewater Treatment Plant expansion are still the same so it could be a problem if we cut the sewer enterprise fund income. We had to pay \$380,000 this year for our portion of the treatment plant upgrade. We are required by law to have a certain percentage of revenues set aside for our bond obligations. Savings comes from revenues we don’t spend so we don’t budget for savings. We budget to match our expenses and if there is money left over because we postponed a purchase or did not do a project then we save it. Council Member Olenslager suggested that this is “robbing Peter to pay Paul” and we really need a new revenue stream for drainage.

City Manager Dotson said we started talking about a drainage fee two years ago when we had the major flooding. Some residents said they would be willing pay a fee to get funding for mitigation of drainage issues. Transfers between funds are frowned upon by the auditors although that has been suggested. Cities often do transfer funds out of enterprise businesses and into the general fund however that does not solve the shortfalls long term. There was more discussion of general fund transfers and Mayor Rasmussen said the better way to do it is to spread out staff salaries throughout the funds in order to balance. Staff does work for different departments and are not only dealing with administrative functions. If we make “loans” between funds it is hard to make sure the loans are paid back. We could create a new enterprise fund for storm water drainage and charge a fee for it. We would go thru the process and ask the people if they are willing to pay for it when we hold public hearings. Council Member Wilcken asked about those who are not directly affected by flooding and may take exception to being charged for it. City Manager Dotson said we spread out these costs over the entire City because flooding does affect everyone even if storm water does not come onto their property directly. We try to protect all property. There was a brief discussion of the NRCS drainage project and what it will accomplish. After that we could reevaluate our needs and perhaps revise the long term CFP to define what we need to fund near term as the plan is very general. The NRCS project is an emergency solution to a larger problem. Some neighborhoods have special challenges but we have to take into consideration the whole City. We have to have money to pay for the engineering to do the job correctly and effectively. We currently have two designed projects that will cost \$40,000 and the challenge now is how to fund it. Those are the type of questions the City Council figures out. Council Member Wilcken said he would still like to adjust the sewer fee if we have an excess although it is too soon to say. This will be reevaluated from time to time as we continue to work on solutions to our drainage issues.

**8. DISCUSS PLANNING COMMISSION RECOMMENDATION REGARDING STREET NAME CHANGE IN DAIRY GLEN SUBDIVISION**

Mayor Rasmussen asked if there were questions and explained the situation for the public’s information. Council Member Wilcken said this involves one house so there is no reason not to make the change. It was clarified the property owner wanted the street name changed from Dundee Blvd. to Sagewood Lane.

**9. ORDINANCE NO. 2014-02-05-A AN ORDINANCE TO CHANGE A STREET NAME IN DAIRY GLEN SUBDIVISION, PHASE I, FROM DUNDEE BLVD. TO SAGEWOOD LANE**

Mayor Rasmussen asked for a motion. **Council Member Lovell made a motion to approve Ordinance No. 2014-02-05-A, an ordinance to change a street name in Dairy Glen Subdivision, Phase I, from Dundee Blvd. to Sagewood Lane. The motion was seconded by Council Member Griffiths and 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-yes</b>	<b>Motion passed unanimously</b>

**10. DISCUSS PLANNING COMMISSION RECOMMENDATION REGARDING AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 4-4 TO CHANGE OFF-STREET PARKING REQUIREMENTS**

Mayor Rasmussen asked if there were questions or concerns adding we are loosening the parking restrictions with this recommendation from the Planning Commission. Council Member Wilcken said it does not address anything about parking at City parks and we do have issues with that. It was suggested the Planning Commission could perhaps address that later as this is about

commercial parking. Council Member Johnson asked about item #7 for furniture and appliance stores. The store square footage is the same for other types of retail stores. City Attorney Nick Turner said we could take out #7 to tidy it up since they are the same. There was brief discussion of parking for dwellings which is standard in most communities. City Manager Dotson clarified this came up because an engineer called and did not understand our ordinance having had experience with other locales where he had designed buildings and parking lots. The Planning Commission made the changes and matched Cedar City and Parowan who have many retail businesses and have found what works incorporating industry standards. We are trying to keep our ordinance simple and not detail lots of types of businesses. Now an engineer can look at the ordinance and design a project. It was noted this does not affect existing businesses which would be grandfathered in as non-conforming uses. Nick Turner cited an example of a business that has severely inadequate parking and infringes on their neighbors adding it is nice if businesses are responsible but that does not always happen so some regulations are needed. We need to maintain some standards for safety and planning. We regulate the parking lot design only in order to have some conformity so an engineer can see the regulations and design it. Businesses have to know what is expected of them.

**11. ORDINANCE NO. 2014-02-05-B AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 4-4 TO CHANGE OFF-STREET PARKING REQUIREMENTS**

Mayor Rasmussen asked for a motion to approve the ordinance with changes as discussed. **Council Member Olenslager made a motion to pass Ordinance No. 2014-02-05-B, an ordinance amending the Enoch City Zoning Ordinance, Chapter 4-4 to change off-street parking requirements with the changes as discussed. The 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**

**12. DISCUSS IRON COUNTY LOW EFFECT HCP**

City Manager Dotson gave an update on the new Habitat Conservation Plan (HCP) for managing prairie dogs adding Commissioner Dave Miller has been working diligently on this issue. In the Endangered Species Act it allows for the creation of a habitat conservation plan with certain rules in it. If a plan is created and it is approved by the Federal and State departments and meets the criteria of the Endangered Species Act it allows for “take” or removal of prairie dogs based on their population and other factors and property owners apply for this “take” permit. To date the County has had a very restrictive plan that hurts growth and has never awarded the “take” that could be allowed because the old plan tried to conserve prairie dogs rather than conserving their habitat which is the issue. Commissioner Miller helped create the “low effect HCP” and each local community designated where they foresee development happening and specified which land had prairie dogs on it. The 200 acre plan works in conjunction with the HCP and has been approved. Now if landowners want to develop in the next two years they can apply for the “take” on their property and for 99 years that property is cleared for development. This new plan is a huge improvement in the process and will be implemented thru the building permit process in each community.

**13. DISCUSS “EDCUtah” GRANT MATCH**

Mayor Rasmussen asked City Manager Dotson to explain and he introduced Jay Callaway and Jordan Barben who were approved to serve on the Economic Development Committee at the last meeting. As a member of EDCUtah, which is affiliated with the Governor’s

Office of Economic Development, Enoch City can participate in their matching grant programs. He told about the three different matching grants available and gave some details of each one. This is a match where the City spends the total amount and then is reimbursed for half. It would have to be funded by the City Council in the budget if they choose to participate. The deadline to apply for this year is next week so it may not work out but he wanted them to know this assistance is available.

#### **14. TRAINING ON “OPEN AND PUBLIC MEETINGS” LAW**

Mayor Rasmussen said we are required by State law to do this training every year and he turned the time to City Manager Dotson. The Open and Public Meetings Act is in Utah Code Chapter 54. The purpose is so all public business is done in public and we, as a political subdivision of the State, must comply. He went thru the points of the law covering illegal meetings, noticing of meetings, how to convene a meeting and the requirements, what are chance meetings, what constitutes a quorum, closed meetings (Executive Sessions) and what is allowed to be discussed, written minutes and recordings of meetings, and other points. City Attorney Nick Turner counseled to always uphold the spirit of the law and stick to the highest ethics. Don't talk about City business outside of meetings when a quorum is present. The policy is to encourage open discourse but should never violate the spirit of the law. Sometimes you have to exchange information but you don't decide on or take action outside of a regular meeting. If you question it, don't do it.

The discussion concluded with information about Enoch's meeting procedures ordinance. State code allows municipalities to have our own procedures within parameters and we have passed an ordinance outlining our meeting procedures and policies. This is how meetings are run for all boards and is to ensure order so the public's work and business can be done.

#### **15. PUBLIC COMMENTS**

David Scott suggested regarding public comments, that if the Council wants to know how the public wants them to vote on issues they should let people have a straw vote before the Council votes. It seems decisions are already made. ***Mayor Rasmussen said that is why we have public hearings on some issues and that is when the public lets the Council know what they think. They are elected to look out for all of Enoch and can't always base decisions on what a few say they want.***

Dennis Ayers said he really likes living here and wanted to reiterate his stance on some things adding he is thankful for a lot of folks who have gone before and put things in place. They were not ignorant people and their collective wisdom created rules and laws that we may not always agree with but are here for a good reason. He said he loves living in this peaceful community because he feels safe and that is because we have a good PD. He wants them to stay in place. He was on the City Council when we contracted with the Sheriff and it was adequate back then but would not be now with this population.

Christine Spencer said she would be in favor of taking \$2 for drainage from sewer. She suggested diagonal parking at the parks and thought more roads could be lined up and renamed for consistency.

David Benkert thanked Chief Ames who sat down to talk to him for two hours adding they had a good discussion of costs. He said he has not made up his mind about if we need a PD in Enoch however. He expressed some concerns about transparency in the way the treasurer can move money between sources fearing funds could go to the PD instead of housing or whatever. He said on Midvalley Road where the ditches have been dug out for flood control there should be some lights or marking to warn about that. With icy roads crating a hazard he said he is surprised no one has gone off the road.

**16. CORRESPONDENCE-**

Mayor Rasmussen said he received a letter from a citizen about helicopter noise in the area adding he does not think the City can regulate airspace. There was a brief discussion where it was stated there are regulations over populated areas and complaints can be filed with the FAA. We may need to express some concern to the flight school and university about where they practice as it is becoming irritating to many. Mayor Rasmussen said we would respond to her letter and maybe if sufficient numbers of residents complain to the company and the FAA they will modify their flights however the City will not go on record with a complaint.

**17. COUNCIL/STAFF REPORTS**

Council Member Wilcken expressed appreciation to staff for taking the time for long discussions with him and other citizens too. He said we do want input from the public.

Council Member Olenlager added we are going to decide what this City will be in the budget process. He asked citizens to email the Council and let them know what they want the City to be. 58% of citizens said nothing in the last election. He has heard no one supports a 100% tax increase but asked if the public would support a smaller increase.

Council Member Lovell reported the Economic Development Committee would meet tomorrow at 6:00pm.

Council Member Johnson had no comments.

Mayor Rasmussen reminded the Council Members to please meet with their departments to get ready for this budget cycle. We need department recommendations on budget for the process to go smooth.

There were no other comments.

**18. ADJOURN-** Mayor Rasmussen asked for a motion to adjourn. **Council Member Olenlager made a motion to adjourn. Motion was seconded by Council Member Lovell and all voted in favor.** The meeting ended at 8:28pm.

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**Julie Watson, Recorder**

**Date**