

MINUTES
ENOCH CITY COUNCIL
January 15, 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
Gary Kuhlmann, City Attorney
Robert Dotson, City Manager
Earl Gibson, Dir. Public Works
Jackson Ames, Police Chief

Public present: Paul & Sue Abbiss, David Scott, Kay Ayers, Nolan & Marie Brooks, Lindsey Mikesell, Jay Callaway, Joyce Wilcken, Johnny Ellison, Dilworth Armstrong, Kip Lewis, Ken & Carolyn Bauer, Pat Tompkins, Donna Crase, Anne Zufelt, Wesley Graham, Michelle and Donna Pritchard, Steve Clarke, Marie&Laurie Fisher, Carol Rohrer, Amy & Janet Heer, Iron County Sheriff Mark Gower, Jody Groom, Christine Spencer, Shannon & Julie Johnson, Clara Pickett, Krea & Valerie Mecham

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Rasmussen** at 6:00pm. He welcomed the audience.
 - a. **Pledge of Allegiance**-Led by City Recorder, Julie Watson
 - b. **Invocation**-Audience invited to participate-Given by David Scott
 - c. **Approval of Agenda for January 15, 2014**-Council Member Wilcken wanted to add two items to the agenda. City Attorney Kuhlmann said his concern is those items were not given 24 hour notice as required by State law. He was asked to talk about them in Council/Staff Comments for possible inclusion on the next agenda. **Council Member Olenslager made a motion to approve the agenda. Motion was seconded by Council Member Lovell and all voted in favor.**
 - d. **Approval of Minutes for December 18, 2013**- Mayor Rasmussen said the two new Members were not on the Council when this meeting took place and asked City Attorney Kuhlmann if they can vote before the swearing in takes place. He said they could legally vote. **Council Member Griffiths made a motion to approve the minutes. Motion was seconded by Council Member Lovell and all voted in favor.**
 - e. **Conflict of Interest Declaration for this agenda**-none stated

2. **SWEAR IN NEW CITY COUNCIL MEMBERS**

The City Recorder administered the Oath of Office to new City Council Members Gary Wilcken and Steve Johnson. Mayor Rasmussen asked if they would like to say anything. Steve said he reread the U.S. and Utah Constitutions in order to know what he is taking an oath to do adding they are the basis of our government and freedoms and that is important to him.

3. **DISCUSS COUNCIL ASSIGNMENTS AND MAKE APPOINTMENTS AS NEEDED**

Mayor Rasmussen informed the Council Members that the assignments were made and duties were rotated around and asked if they had questions. Council Member Wilcken asked City Manager Dotson to let them know when the boards meet. Mayor Rasmussen counseled regarding the assignments, they are not department heads but are a liaison between the Council and staff. It

is not necessary for them to attend every single thing but to be as involved as possible when work schedules allow. City Manager Dotson said Council Member Johnson is over sewer and refuse and that automatically puts him on the Cedar City Wastewater Treatment Facility Board that meets once or twice a year. Mayor Rasmussen said we will try this and we can make adjustments if needed.

4. APPOINT NEW TREASURER AND REAPPOINT CITY RECORDER AND CITY MANAGER-

Mayor Rasmussen introduced Dan Jessen as the new Treasurer. He asked Dan to tell about himself. Dan said he does not live in Enoch but grew up in New Harmony. He has a finance and business background and has been involved in many different industries. He is excited to be in Enoch and looks forward to working with good people. Mayor Rasmussen asked for a motion. **Council Member Lovell made a motion to reappoint City Manager Rob Dotson and City Recorder Julie Watson and to appoint Dan Jessen as City Treasurer. The motion was seconded by Council Member Wilcken and all voted in favor.** Dan Jessen took the Oath of Office administered by the City Recorder.

5. APPOINT NEW MEMBER(S) TO ECONOMIC DEVELOPMENT BOARD

Mayor Rasmussen said the two applications to be on this committee are in the packet. City Manager Dotson introduced Jay Callaway saying he has a lot of experience in business as does Jordan Barben who could not be here tonight. We have one Committee member moving away and one going off the committee so we need two replacements. Mayor Rasmussen asked for a motion. **Council Member Olenlager made a motion to appoint Jordan Barben and Jay Callaway to the Economic Development Committee. The motion was seconded by Council Member Griffiths and all voted in favor.**

6. PRESENTATION BY IRON COUNTY EMERGENCY MANAGEMENT

Mayor Rasmussen asked Marie Brooks to give her presentation so the City Council Members will get an overview of what she does. She thanked the City Council for letting her come and explained her role as emergency manager which is to help the City be ready for an emergency or disaster. No one wants to think about disasters but the need to be prepared is essential. This department does not bring money into the County but costs money and no one wants them until something bad happens. She went on to explain her department which covers mitigation to lessen impact, preparedness, response and recovery. Disasters have a major economical impact on communities and many businesses that close never reopen. Are we going to have a disaster? Yes. We have dodged most of them to date but our turn is coming. Some potential threats are severe weather, earthquakes, flooding and fires. The County has an Emergency Operations Plan that outlines how we will respond. Enoch also has an Emergency Plan in place. Continued training makes the response second nature. She encouraged the public to practice fire drills and family disaster plans when the time changes each year. Part of her job is to advise elected officials when disaster strikes. There are mutual aid agreements are in place with neighboring communities, businesses, churches, schools, counties and states.

Lives are saved by the first ones there so she trains CERT teams and Enoch has one. In Iron County we have Reverse 911. Cell phones have to be registered individually but land lines are automatically set up. Go to ironcounty.net to be called in an emergency. She reviewed the chain of command with Sheriff Mark Gower over it all, then Jody Edwards as EMS director and then herself as Emergency Management Director. She showed a short Youtube video describing how EMS managers work in a major disaster. City Manager Dotson has supported this all the way and is serving on many committees. Another tool is NIMS, National Incident Management System devised after 911 when first responders were overwhelmed and could not communicate

adequately. She encouraged the new City Council to take the NIMS courses available online. We don't know what is coming but we can be ready to cope and deal with it. Council Member Johnson asked when FEMA takes over. Marie said local control is always in place over our own disaster. FEMA does not come in and do anything. They are a checkbook only and they have connections. They do not reimburse for private property but help with infrastructure restoration. There is a threshold of damage to meet per population before they become involved. We go to the County, then to the State and then to the Federal level depending on the scope of the disaster. This is all explained in the NIMS training so they can learn how the chain of command works. Having local programs in place allows communities to handle disasters as they see fit. Mayor Rasmussen thanked Marie for her presentation saying the Council will get up to speed on the NIMS training soon.

7. DISCUSS CHANGES TO CODE OF REVISED ORDINANCES, CHAPTER 12-120 REGARDING THE "LAND USE APPEAL AUTHORITY"

Mayor Rasmussen said we talked about this briefly in the last meeting so it is back for discussion tonight. We are making the changes to our ordinance per changes to State law. He recognized Anne Zufelt in the audience saying she was the Chair Person at the last meeting of the Board of Adjustments which was a few years ago. They only meet when an appeal is brought to them. City Manager Dotson explained we have to have an "Appeal Authority" to hear land use issues only. The name of the board was changed by State law so we can change our ordinance to be in accordance. If someone wants to appeal a land use decision made by the City Council they go to this "appeal authority" which is the last stop before District Court. The City Council has no authority over this board except for who can be on it.

We can change the number of members from five to three to one member if desired. Two of the current five members have moved away now and we had discussed changing the number to three. Council Member Olenslager asked about the ordinance as currently written on page 2 item F. where it says three must vote so if we change to three members does that mean it has to be unanimous. City Manager Dotson said that is a good question. He said we have not worked thru the whole ordinance yet as it depends on what the decision the Council makes on the number of members after which we will make the other appropriate changes. City Attorney Kuhlmann said it should be a majority vote so we could delete F. entirely. They discussed a few other items that would need to be changed depending on the number of members. After more discussion the Council decided and agreed five would be a better number. Mayor Rasmussen verified that we would move ahead with the changes based on five members.

Council Member Johnson said he thinks Land Use Appeal Authority sounds too pompous. We need to show the people there is some possibility to get their way. He likes "Relief Authority" adding the individual must feel like they have a chance of getting a favorable ruling. That is psychology and "Land Use Relief Authority" would be less intimidating Council Member Lovell said. There was more discussion of other details that were confusing and it was noted that all City boards have to meet per open and public meetings law and our ordinances regarding meeting procedures so this ordinance will be structured accordingly and brought back for Council review and discussion on the next agenda.

8. SET A PUBLIC HEARING FOR FEBRUARY 5, 2014 FOR CHANGES TO CODE OF REVISED ORDINANCES REGARDING THE "LAND USE APPEAL AUTHORITY"

Item was struck until changes are reviewed. No motion was made.

9. PUBLIC COMMENTS

Steve Clarke said he wanted to thank the previous members of the City Council adding he thinks our Councils have been excellent and have tried their hardest. Congratulations to new members and he looks forward to their work and to seeing Enoch grow.

Lindsey Mikesell said she had an incident happen on Monday when her six-year old went missing. The PD rushed to their house within seconds and they found her shortly thereafter. She wanted all to know how grateful she is to the PD and she wanted to thank them publicly.

10. CORRESPONDENCE-none

11. COUNCIL/STAFF REPORTS

Council Member Griffiths said he was caught off guard when Council Member Johnson was talking about the name change and agrees sometimes government seems “off putting”. He understands the appeal process but psychologically we could be friendlier.

Council Member Wilcken said as we look at budget concerns he is trying to restore some confidence. He thinks the Council can serve without compensation until the budget is in order and proposed that a letter be written that the City Council Members could sign to volunteer to say they don’t want to be paid until the budget is in proper order. This would be voluntary. City Attorney Kuhlmann said each member can do that individually. There is no requirement to say they have to take the pay but they should write their own letter to say they don’t want the pay adding his concern is that a drafted form letter makes it look like the City is saying “we want you to waive your pay” and that is coercion. Nothing stops you from doing it individually. Council Member Wilcken said the sewer fund has grown large and he would like to suggest we adjust the fee schedule to reduce the charge for sewer and create an enterprise fund for drainage. With the dollar amount we reduce the sewer charge we could create the drainage fee and not raise the total utility bill for the residents. We would then take the money collected in the new drainage enterprise fund and use it to mitigate flooding. City Manager Dotson explained as an enterprise fund they are required to make a profit and you don’t know until the end of year what the dollar amount is going to be. We could possibly take \$2 of the sewer fee and create a fee for storm drainage as an enterprise fund bearing in mind the money has to be used for storm drainage only. This is doable and worth discussing further.

Council Member Olenslager reported the Water Board was told the existing well we had hoped to partner in is off the table and we are proceeding with BLM to drill two test wells east of I-15. He also thanked Julie for putting information in the newsletter so residents can find information about City business online.

Council Member Lovell reported the Economic Development Committee meets tomorrow at 6:00pm. He welcomed the new members and encouraged the public to attend. He said he would like us to revisit our City logo. We have enough talent in the City that perhaps we could have a contest with the goal of reducing the number of colors in the logo. The current one is expensive to reproduce with ten colors in it. City Manager Dotson said the Economic Development Committee wants that too. They have their own logo which might be a good place to start. If we hold a contest the City Council could be the judges.

Council Member Johnson said he is getting up to speed with his new assignments so he has no report. He said he wants to apologize to some residents who voted for him as some wanted to eliminate the position of City Manager and he just voted to reappoint the City Manager. He said he now knows good reasons for the position of City Manager to exist and he has no other plan to fill the vacuum that would be created without one so he voted to reappoint him.

Mayor Rasmussen reported he wants to start on the budget process earlier than normal and wants to set some dates on how to work thru this so we are all on board. The Council Members need to spend some time on this and that will mean meeting with City Staff to go over budgets. They

need to get a feel for what needs to be done and how to do it. Usually we start in March but will get right into it. He instructed the Council Members to set meetings with their departments and start learning what they need in their budgets. We have a new treasurer and he is learning too and will be involved in the budget from start to finish. We have compliance dates for the State and this gives time go thru things and not feel rushed to meet those dates. He told them to plan to be ready by February 19th to report back on their findings. He instructed them to coordinate thru City Manager Dotson to meet with each department and to give advance notice so schedules can be worked out.

Council Member Wilcken said a hot topic was the PD and we need a good open discussion. He would like to have some numbers from the Sheriff so we can talk “apples to apples”. There was considerable discussion with the instruction from City Attorney Kuhlmann being that you can’t formally ask for a bid without putting out an RFP (Request for Proposal) and noticing it per State law. The City Council would have to formally decide they want to seek this and then go thru the process as defined by law. It was suggested the Sheriff’s budget is a public record and is available for anyone to see to make an informal comparison. City Attorney Kuhlmann said Mayor Rasmussen could hold a straw poll tonight to determine if they want it on an agenda. Mayor Rasmussen asked for a roll call vote. Council Member Griffiths said he is torn on that but wants to retain the PD however the community needs to heal from the rift caused by this and there were promises made to look into it. Council Member Lovell asked is this healing or reopening old wounds. If there was negligence or a major issue with our PD it would be different but that is not the case. Council Member Lovell said “no” on the agenda item and Council Member Olenslager agreed adding he is satisfied with the PD. If the budget drives going out for proposals then let’s do it later. Council Member Wilcken said it is about the budget now so he votes “yes”. Mayor Rasmussen said as he is not inclined to go that way now until the budget is done. Council Member Johnson said the truth shall set you free. When working on the Declaration of Independence the Founding Fathers said there is no topic so terrible we should not at least talk about it. There have been calls for transparency from the people of Enoch. Mayor Rasmussen said he does not disagree with transparency but getting a bid involves a lot more than just asking for it. We need to go thru the budget process first to see what we want to pay for and how to do it. This is putting the cart before the horse. Council Member Wilcken said how do we discuss it if we don’t know the figures? Mayor Rasmussen said you need to visit with Chief to see what his budget is and then find the Sheriff’s budget online to see his figures. Council Member Wilcken said this is about getting the process in the open to get the figures so we know what we are dealing with. Council Member Lovell suggested he visit with Chief Ames and look at past figures to see if cuts can be made. The Sheriff’s numbers are available online. It should not be on table that we don’t want to maintain our PD. We had several public hearings and this is not a secret. Council Member Wilcken insisted again we need numbers. Mayor Rasmussen said we don’t need to go out for numbers unless there is a problem and it is too early for that. City Attorney Kuhlmann said there was not a request for proposal so there are no official figures to talk about. If you want to go there do the process. Don’t talk about something that was not official City Attorney Kuhlmann counseled. Council Member Wilcken said we need to be able to make comparisons of the costs per officer. City Attorney Kuhlmann said again that is all public record. You can look at the Sheriff’s budget and see what he spends. Mayor Rasmussen said we will wait and go thru the process when and if there is a reason to do so. Council Member Wilcken said he never said he wanted fire the PD, just get the figures.

City Manager Dotson asked the Council for the best contact method for each of them. Email for Council Member Wilcken, Griffiths and Johnson and text is best for Council Member Lovell and Council Member Olenslager. In an emergency we call. He asked if they would like to have an orientation like we did two years ago when three of the Council was newly elected. This is information that is specific to Enoch City unlike the recent Elected Officials training they

attended. It will be on a Saturday and include lunch. We don't notice it because it is not an official meeting where business will be discussed or decided on City Attorney Kuhlmann said. They decided on January 25th at 9:00am. City Manager Dotson said we will have some speakers from other agencies too as well as coverings all aspects of City functions and responsibilities. He added he has placed all of the City policies, manuals and like information on a disk for their review along with contact phone numbers they will need. He told them about the "dropbox" and how to sign up for it saying he would help them set it up and understand how to use it. City Manager Dotson went on to report tomorrow night is the regular CERT meeting here at the City Office as well as the Economic Development Committee Meeting at 6:00PM in another part of the office. He said he wanted them to be aware of the coming vote in the House and Senate of the "omnibus" funding bill that is cutting PILT (Payment in Lieu of Taxes) on federally owned land to the State of Utah. He explained the federal government owns 60% of Utah lands and instead of taxes we are given PILT money. Now they say no money will be in the omnibus bill for PILT. Iron County gets 3.2 million a year and that is huge amount of revenue to lose. Sheriff Gower who was in the audience concurred his department will be affected in many ways. City Manager Dotson said he brings it up because some months ago we were participating with the County on supporting the Public Lands Transfer Act. We want our federal lands back so we can manage them. He is on an advisory committee with the County to promote awareness of the side effects of not having the ability to tax and manage our own lands. If this bill passes we have problems. Representative Stewart said he would try to recoup the funding by attaching it the Farm Bill but that does not come up for a vote until next October. County law enforcement will be cut and other revenue will go up to make up the difference. When they ask the City Council if they want to write a letter again in support of getting our federal lands back he will be bringing that to the Council and wanted them to know it is coming. Council Member Wilcken said the chance of getting the land back is very good now but will not happen overnight. If it affects the County it affects us as we use their resources too.

Treasurer Dan Jessen had no other comments.

12. ADJOURN-Council Member Olenslager made a motion to adjourn. The motion was seconded by Council Member Lovell and all voted in favor. The meeting ended at 8:05 pm.

Julie Watson, Recorder

Date