

**MINUTES**  
**ENOCH CITY COUNCIL**  
**September 17, 2014 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Robert Rasmussen  
Council Member Destry Griffiths-phone participation  
Council Member Steve Johnson  
Council Member Kirk Lovell-phone participation  
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-absent

**Public present:** Doug Jones, Michelle Pritchard, G'Ne Bartholomew, Cindy Robinson and Family, Brent Carter, Rick Roberts, Gabe Miller, Jon & Charity Whittaker, Michael O'Rourke, Cassie Easley, Darrin Judd, Tim Watson and Worth Grimshaw

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Rasmussen at 6:00pm. He welcomed the audience adding it is the 227<sup>th</sup> anniversary of the signing of the Constitution which enables us to meet and conduct business for the public to this day. He said Council Member Lovell and Council Member Griffiths will participate by phone tonight as they are both elsewhere.
  - a. **Pledge of Allegiance-**Led by Council Member Olenlager
  - b. **Invocation-**Audience invited to participate-Given by Council Member Wilcken
  - c. **Approval of Agenda for September 17, 2014-**Council Member Wilcken pointed out in items #2 & #3 they are running for County Clerk not Recorder. **He made a motion to approve the agenda with the change. Motion was seconded by Council Member Johnson and all voted in favor.**
  - d. **Approval of Minutes for September 3, 2014-**Council Member Olenlager made a motion to approve the minutes as written. **Motion was seconded by Council Member Wilcken and all voted in favor.**
  - e. **Conflict of Interest Declaration for this agenda-**none stated

2. **PRESENTATION TO CITY COUNCIL BY CANDIDATE FOR IRON COUNTY CLERK JON WHITTAKER**

Mayor Rasmussen invited Jon to come up and he passed out some literature. Jon thanked the City Council for inviting him and introduced himself saying he is the Republican candidate and he defeated his opponent at the convention. He said he has developed good friendships with County Clerks in the state. His strengths are his innovation, leadership, experience and service and he elaborated. In 2007 he initiated the scanning of all plat maps and they are now digitally available. He said he has developed great rapport with others at the County level after working in the Recorder's office for eleven years. He has pride in being a public servant and putting their needs first. Council Member Olenlager asked what the difference is between the County Clerk and Recorder and he explained. The Clerk oversees elections and serves at the pleasure of the County Commission. An audience member asked what experience he has in the Clerk's office and he said none but his leadership ability, spirit of service and familiarity due to working in conjunction with them for many years will help him. Council Member Johnson asked about him being a Republican and asked if he is more a "Ron Paul" or "John McCain" type Republican and he said he is more "McCain" as is a traditional conservative. Mayor Rasmussen thanked Jon.

3. **PRESENTATION TO CITY COUNCIL BY WRITE-IN CANDIDATE FOR IRON COUNTY CLERK CINDY ROBINSON**

Mayor Rasmussen invited Cindy to come up. She said she is a write-in candidate and handed out literature. She said she is the Assistant County Clerk and has worked with Enoch in many municipal elections. Although not all counties help municipalities with elections her boss, David Yardley who is retiring, believes they should serve everybody and he helps the cities with elections which would cost a lot more money without that help. She explained the processes she does in elections saying she has 23 years of experience working with the

current County Clerk and knows all aspects of the job. They work with the County Commission and do their paperwork. The County Clerk has several budgets to deal with and runs on a low employee ratio. She is the Chief Deputy under the County Clerk and would like to try to run the office with less staff to see if that could save money and still work out. She works very well with clerks in the towns and has good relationships with them. She understands the work flow of the year and what is required in the County Clerk's position. 23 years of experience is vital to this job and she knows what to do from day one. She is also a leader and hopes they will read her qualifications. She will be a write-in candidate and she explained how to mark the ballot to vote for her. Council Member Johnson asked where she falls on the scale of "Ron Paul and John McCain". She said she is a Republican and agrees with Ron Paul more lately. Council Member Olenslager asked why she did not get on the ballot in the convention process. She said Jon got 60% of the vote in the convention although she was involved and hoped there would be a primary run-off but that did not happen. Mayor Rasmussen thanked her for coming.

**4. DISCUSS ZONE CHANGE REQUEST FROM VELOCITY DEVELOPMENT, LLC FOR PROPERTY LOCATED AT 4866 N. HEATHER HUE ROAD FROM MIXED RESIDENTIAL (M-R-2) TO REGIONAL COMMERCIAL (R-C)**

Mayor Rasmussen said they received a favorable recommendation from the Planning Commission for a zone change request and he invited Brent Carter of New Horizon Engineering representing Velocity Development to the table. Council Member Johnson said the public comments seemed to be Ok with the application. Council Member Wilcken said people should be able to do with their property what they would like and from reading this it seemed the public agreed so there is no reason not to pass this request. There were no other questions.

**5. ORDINANCE NO. 2014-09-17 AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH CITY ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF PROPERTY LOCATED AT 4866 N. HEATHER HUE ROAD OWNED BY VELOCITY DEVELOPMENT, LLC FROM MIXED RESIDENTIAL (M-R-2) TO REGIONAL COMMERCIAL (R-C)**

Mayor Rasmussen asked for a motion. **Council Member Johnson made a motion to approve Ordinance No. 2014-09-17, an ordinance amending the General Plan Land Use Map and the Enoch City Zoning Ordinance map by changing the zoning of property located at 4866 N. Heather Hue Road owned by Velocity Development, LLC from Mixed Residential (M-R-2) to Regional Commercial (R-C). Motion was seconded by Council Member Olenslager 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</b>                 |

**6. DISCUSS POSSIBLE TRADE OF SURFACE WATER RIGHTS FOR UNDER GROUND WATER RIGHTS FOR PROPERTY ON MINERSVILLE HIGHWAY BEING CONSIDERED FOR VETERAN'S CEMETERY**

Mayor Rasmussen asked City Manager Dotson to bring the Council up to date on this. City Manager Dotson said this is not our cemetery but would be a new veteran's cemetery on Minersville Hwy. He has had conversations with some folks who want to do this. It would be a branch of Arlington National Cemetery. A private non-profit is building it and maintaining it. They are considering three areas in the western US and Enoch is one of them. The landowner and real estate person have shares of surface water but no underground water which the City requires when development takes place.

There was a discussion of an annexation for Dave Hatch in which the City allowed the trade of his surface water for underground water that was based on a calculation done by Dick Nelson for the ratio of surface water to underground water in the East Extension Water Company. The trade being talked about now is in the Union Fields irrigation system. There was more discussion of the ratios and that the City may not be able to use the surface water being traded because it is in a different area of the valley and may not be accessible. City Manager Dotson explained this has only been done once before so we don't really have a policy in place. City Manager Dotson asked does the Council want to develop a policy and consider this request. He added we are not that far in the discussion yet and it has been established they would have to give the City 20 AF of water to develop the

cemetery. That water could also be bought on the open market in our drainage to be given to the City but the cost could be a deal killer for this project.

After more discussion it was decided the matter would be sent to the Water Board to get more information from the water companies involved and to develop a fair exchange policy. Talks could continue but only the Council can commit to any deal for a trade. Proceed with caution Mayor Rasmussen said.

**7. AUDIT REPORT ON 2013-2014 YEAR FROM KIMBALL & ROBERTS**

Mayor Rasmussen invited the auditors up to the table. The Council was given copies of the audit report. Rick Roberts went thru the report and findings and highlighted things they felt were important. They also thanked the employees who aided them immensely and Dan especially adding Enoch has good personnel in this office.

Based on accounting principles generally accepted in the US the auditors, after checking many details, express an opinion that the city's finances and procedures are materially correct and no major errors or fraud were found. They went thru the sections of the report highlighting some details such as what caused the changes noted. The enterprise funds grew as did the general fund. Revenues and expenditures were fairly close. They discussed long term debt which is bonds the City carries for the water and sewer system. They gave more details about the general funds and unexpended impact fees. You can only have a certain amount of unassigned funds and that can only be 25% but not less than 5%. Dan added they did transfer of \$90,000 from capital projects and without doing that we would have been under the 5% required. Page 21 shows that transfer.

Rick talked about revenues and expenditures in the capital projects fund. All were a positive net increase and revenues exceeded expenditures. Rick highlighted the various funds and depreciation adding we try to save money to replace equipment when it wears out. He said the notes explain in more detail what they audited as of June 30<sup>th</sup>. He explained that "restricted" cash is what is required by outside entities for certain things only. Bond reserves are required and are fully funded and are an example of "restricted" cash. Page 42 is a summary of all the debt the city has and shows an amortization of that debt. Interest is also shown in the amortization schedules. Page 47 talks about the budget and how we did on forecasting the budget and he highlighted a few details. Revenues were less than planned but expenditures were too.

Gabe Miller went thru some other details about how they approach the audit and that the standards require them to assess risk too. They identify deficiencies in internal controls and report on that. They found no significant issues with segregation of duties and found the city is doing lots of good things to have internal controls. There were no deficiencies or material weaknesses found. They did sufficient testing of our transactions and based on what they found all was good. They also addressed State compliance and the city is in compliance with laws and regulations. A copy of this audit report goes to the State and is filed electronically. Mayor Rasmussen asked if the City Council had questions and there were none. Mayor Rasmussen thanked them for coming and doing the audit and he thanked Dan for doing a great job and congratulated him on getting thru his first audit.

**8. PUBLIC COMMENTS-none**

**9. CORRESPONDENCE-**There was a discussion of an email from Tom Hansen regarding keeping weeds cleaned out of drainage ditches. It was a problem again in the storm last week. The question is still whose responsibility is it to clean the weeds out of ditches so the water will flow in big storms. The same discussion is reflected in the minutes of past meetings and we still have no resolution. At what point is the City responsible and how do we require homeowners to clean ditches on their property. Our ordinance states it is against the law to allow water to overflow the ditch on your property but how do we enforce that? There is a plan in place to help to a certain extent and now a drainage fee has been approved and will start in the next billing cycle but won't help the immediate problem. There was more discussion of the problems down Jones Lane and that we need plans for the long term. City Manager Dotson said he could look for funding to help like from CDBG and CIB. If he finds funding would the Council support it? Worth Grimshaw weighed in with comments about the City's inadequate cleaning of ditches and he recapped the drainage problems and their causes adding he is not happy that the ditch is not kept clean. He has cleaned the ditches himself on many occasions. The water flows the way it is supposed to when the ditches are clear and in monsoon season that should be a priority for the City. Mayor Rasmussen agreed saying keeping that ditch clean is something we need to make sure happens. Other bigger fixes we will require other funding. The storm of 2012 was an exceptional event. Council Member Wilcken said now that we will have

some regular funding coming in we can get things taken care of and keep the ditches clean. We hope to make more progress each year. City Manager Dotson asked should he look for more funding. The Council agreed it would be good to investigate sources for funding.

**10. COUNCIL/STAFF REPORTS**

Council Member Johnson reported on the test well saying we hired drillers to go to about 800 feet and as of Water Board meeting last Thursday they were at around 700 feet and had found some fractures which is promising for water. Earl added they were to 868 feet today and now they are finding huge fractures which is good and we will test pump it to find out if we have hit water.

Earl Gibson reported the chip-sealing is done for this year and they are doing other maintenance projects while waiting to start the NRCS drainage project which is held up for the long promised prairie dog clearance.

City Manager Dotson gave an update on the NRCS project saying we are still waiting on the prairie dog clearance. We have received the approval documents for an extension. We were supposed to be done by October 21<sup>st</sup> and have asked for 120 more days. We are renting equipment and manpower from Precision Pipeline by the day and should be done in 40 working days from the start of the project. He has the final construction drawings. The County Commission is trying to get the clearance for us. We were supposed to get the OK to start away from areas where prairie dogs are located but the permission letter did not come as expected. We may schedule a pre-construction meeting in two weeks. He reminded the Council of the Economic Development Committee's Iron Days Festival on September 27<sup>th</sup> at Enoch Elementary. They are also sponsoring "Be Ready Business" to give training to business owners thru State Emergency Management so they can be prepared to handle their business needs in times of emergency or disaster. It will be held here at the City Office. He said he met with the Local Emergency Planning Committee and the new Everbridge system is up and running now. Everyone should register cell phones thru CitizenAlert.info. He and Chief Ames will be able to manage the system for Enoch soon so alerts are sent to residents in a timelier manner than with the old system. He reported there is a new emergency manager coming soon and CERT is still functioning. He asked the Council if they wanted to set up the emergency meeting Leland Freeborn proposed in the last meeting as he needs to get back to Leland on that. The Council did not think it should be city sponsored and would not authorize a meeting. City Manager Dotson proposed to the Council that he be allowed to set up a transportation plan for Enoch City. The General Plan does not take into account all of the uses of roads and is very basic and inadequate for future planning so we need a committee of interested individuals with experience in transportation. The volunteer committee would be made up of someone from the PD, public works, citizens who ride bicycles or runners, someone from UDOT and the like. He asked if they would be amenable to that suggestion. He added Mayor Rasmussen also has ideas for the committee. Council Member Wilcken said anytime we form a committee they need to justify their continuing existence. The tendency has been to let these committees be ongoing and he would like to see a one year committee with a sunset clause to be done. City Manager Dotson said he thinks this can be accomplished within six months to a year. No major objections were stated with Council Member Johnson saying he wanted to think about it.

Dan Jessen reported the storm drainage fund is set up and the fee will be reflected in the next utility billing. We will put notice in the newsletter to explain the change to residents. Next time the budget is opened we need to add the line items for revenue and expenses. He said he would be emailing the monthly financial statements to the Council in advance of meetings so they have more time to look thru it.

Council Member Lovell said the prairie dog issue is progressing and is on the national stage too.

**11. ADJOURN-Motion to adjourn by Council Member Wilcken. Motion seconded by Council Member Olenlager and all voted in favor.** The meeting ended at 7:50pm.

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