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Minutes  
Workshop Meeting  
September 23, 2014

Attendance: Mayor Kenneth Neilson, Councilmen Garth Nisson, Thad Seegmiller, Kress Staheli, Ronald Truman, Jeff Turek, City Manager Roger Carter, City Attorney Jeff Starkey, Deputy Recorder Tara Pentz, Public Works Director Mike Shaw, Assistant Public Works Director Lester Dalton, Community Development Director Drew Ellerman, Human Resource Director Ruth Holyoak, City Attorney Bryan Pattison, Administrative Services Manager Kimberly Ruesch, Police Chief Jim Keith, Audience: Hilary Thompson, Rhaldo Turner, Cindy Turner, Chance Turner, Rex Torgenson, Bob Hermondson, LuAnn Kahus, Aaron Hall, Jessie Hall, Kendall Turner, Matthew Blair, Charles Hill, Karen Hill, Justin Wright, Dawn Wright, Craig Bunnell, Kay Bunnell, Diane Harrison, Charlie Harrison, Jamie Mecham, Jannae Carnavale, Emerson Carnavale, Kimberly Dunkley, Keith Jones, Chris Ambrosogh, Rhianon Ambrosogh, Isaac Duenas, Niki Duenas, Russ Crosby, Marie Gessel, Peter Gessel

Meeting commenced at 6:00 P.M.

**1. Approval of the Agenda.**

Mayor Neilson asked that Item 3 be removed from the agenda. Commissioner Candidate Victor Iverson had a conflicting with his scheduling, and will need to be placed on an agenda in the future. He would like Item 6 be heard in place of Item 3.

*Councilman Seegmiller made a motion to approve the agenda with the changes as noted. Councilman Turek second the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**2. Review of the Board Audit Report.**

Administrative Services Manager Kimberly Ruesch reviewed the Board Audit Report with the Council.

**3. Introduction of County Commissioner Candidate Victor Iverson**

*Removed*

**4. Express appreciation to Staff. Applicant: Rex Torgenson**

Rex Torgenson stated he lives just off 200 West where the flooding took place last year. He would like to thank the City Manager and City Workers for taking care of the beautiful City. His phone calls have been answered and concerns have been addressed. He hopes in the future the flooding can be prevented like they were in his neighborhood with the past storm.

**5. Discussion and review of Storm Water Drainage areas at:**

**A. Hobble Creek, 193 E Legends Lane. Applicant: Jennae Carnavale**

Dawn Wright stated she has lived in Washington City for two years. They have enjoyed living here and Washington City is a great community. She reviewed a powerpoint presentation with Council.

\*see powerpoint presentation

Emerson Carnavale stated he has been nothing but pleased with the response received by Washington City. They have had many discussions with Staff with the issues they are having at their home. They would like to thank Staff and their neighbors for all of their help, and know they are appreciated. He then continued the presentation. They feel the Dog Park has caused many problems, because of its lack of drainage.

Mayor Neilson asked Staff and the Richardsons if they are working on a solution.

Assistant Public Works Director Lester Dalton stated he has been working with the Richardsons for the past few weeks. The retention for the Dog Park was designed for the park property alone. It was never designed to take the water that was discharged down 300 East, where the water shot over the wall. The Richardsons are working on a design that will accommodate their development. Their drainage study shows they need a 6 inch pipe. However, Washington City requires a 12 inch minimum for the City to maintain.

Councilman Seegmiller asked where the pipe will drain.

Assistant Public Works Director Dalton reviewed the pipe will drain into the roadway. However, due to geographic issues, the water cannot go to 100 East or 300 East.

Councilman Seegmiller asked what can be done with the drainage ditch along 400 South. Historically, the ditch used to take rain water, but it was breached in both events.

Assistant Public Works Director Dalton reviewed the history of the area. The old Caldwell Wash used to run through the Hobble Creek property, right through where the Carnavale Home is now located. It was the natural channel for all of the storm water. He then reviewed on a map the location of the piping as well as the drainage channel. The water that fell on the north end of town (north of I-15) flowed into this area. The storm water filled the entire system beyond

capacity.

Councilman Turek asked how we cure the problem from this point forward.

Assistant Public Works Director Dalton stated the event we had was beyond the designed event. He explained the process of designing drainage for events, which occur in the specific time frame.

Councilman Seegmiller commented if a drain is placed on 100 South and 400 South, it would help accommodate some of the excessive rain water. He feels it could make a significant impact on the area.

City Attorney Starkey asked what the impact would be if we were to use the open ditches.

Assistant Public Works Director Dalton stated open channels are concern on a safety level first and foremost. However, with the maintenance, there is really no other way to clean them other than getting in the ditch with a shovel.

Council members discussed different drainage options in the downtown area.

Councilman Seegmiller asked where do we go if the development in question was in fact built inadequately.

Assistant Public Works Director Dalton stated there were homes built slab on grade, which with the approved drainage study, the homes were supposed to be built with walkout basements. He has contacted the engineer who did the initially design, and there has not been an additional engineering study to take into account the elevation changes. At this point, we may need to have a discussion with legal counsel.

Community Development Director Drew Ellerman stated all subdivisions are under the direction of an engineer. However, it does not mean the design doesn't change. In this particular case, the water is still going to have to come from the front of the lot to the rear regardless of the elevation. Each particular lot has to accommodate for their own drainage. Our code allows for different options for drainage with regard for slopes and retaining walls.

Councilman Turek asked if this matter then becomes a civil matter.

Community Development Director Ellerman replied essentially it does become a civil matter, unless it has proven the design has failed on the part of the engineer or the developer.

City Manager Roger Carter stated there are a couple of key parties who should be involved in the discussions. He has asked Community Development Director Ellerman to speak with Salisbury Homes in regards to the changes that have been made, and how those changes have been mitigated. With all parties involved, there should be a solution, which can be achieved, at least for the scenario of today.

Councilman Truman asked how everyone makes certain the water coming down is going to the

appropriate location, or how a homeowner knows if they are building in a historic drainage channel. Collectively when we look at the project, these items need to be taken into account.

Councilman Turek asked about the installation of the storm drains in the rear yards.

Assistant Public Works Director Dalton explained the development has a very specific Post Construction Agreement, which indicates the drain lines in the rear yards must be placed for the individual lot drainage. It is then to be maintained by the homeowners association or the individual property owners.

Councilman Turek asked why the responsibility of installation of the drains has been placed on the property owners, and not the developer or builder.

Councilman Seegmiller asked what can do to make sure this gets fixed. Obviously, the homeowners association has not taken possession of the development as it is not complete.

City Manager Carter stated these would be a discussion for legal counsel.

Matthew Blair stated he understands the maintenance is his homeowners association. However, the installation should not be at the responsibility of the homeowner.

Craig Bunnell would like to asked if the water to the north of the development not be drained back into the development. The amount of water flowing through was already too much for the roads to handle.

Charlie Harrison stated there is going to be a significant amount of water flowing through their development once the property to the north of Hobble Creek, owned by Richardsons, is developed. There has to be some way to design a drainage for all of their property to solve these issues together with underground drainage.

Jamie Mecham stated they were never disclosed the property was in a floodplain when they were purchasing. She would like to know if there is a law, that it should have been disclosed. She would also like to know if the City is going to build up the land behind her home, so the dirt from dog park does not continue to come down in her backyard.

Councilman Turek explained he has discussed it with Staff. They are placing a barrier on the property for erosion control. His biggest concern is there is a 10 foot wall of dirt, and a 4 foot wall, he would have questioned it prior to even purchasing the home.

Mr. Carnavale stated in conclusion, they would like to ask the City to serve as their advocate in these matters. There were changes made to the development, and there were no documents submitted to address the changes being made. He would like to know who would be the point of contact for this situation.

Mayor Neilson asked that the point of contact be City Manager Roger Carter.

City Manager Carter stated the most important thing is to continue an open line of communication, even if there are points which are not agreed upon.

Mr. Carnavale stated he is happy to help however he can, and is willing to do whatever necessary.

**B. Turner Turf Farm and Cottonmill East Subdivision. Applicant: Kendall Turner/Rhaldo Turner**

Mr. Rhaldo Turner reviewed the history of the drainage for his property. The City installed a drainage pipe along the west side of his farm. However, the City only put in a 16 inch pipe, and he knew that would never be large enough. The drainage is now much worse than it ever was before. He would like Council to address the issue. There has been money spent to make the problem worse than it ever has been in the past. They would be better at this point to tear out the pipe, and have a great big open ditch.

Councilman Truman stated maybe its time to find new engineers. It seems everything they have designed is undersized.

Councilman Turek stated one of the issues the Flood Control Authority has discovered, is the engineering firms are using different hydrology studies.

Kendall Turner commented the water did not use to flow in this direction until the development of Springhill East was developed. The ditch over time has been getting bigger and bigger with each phase of the development. When this pipe was placed, they were relieved because it was a promise that was supposed to happen so long ago. However, an 16 or 18 inch pipe would never have been large enough. If it was truly engineered, there should never have been the problem there.

Councilman Seegmiller stated the City does not have an engineer on Staff. Unfortunately, we have to rely on the engineers hired by the developers.

Mr. Kendall Turner stated if there are no other solutions, then maybe the City needs to come and pull out the pipe and just put a large open ditch back in.

Councilman Garth asked how large the ditch was before it was piped.

Mr. Kendall Turner stated it was approximately 5 feet wide, and ranged from 2 feet to 5 feet deep. It was very dangerous, but it did handle the water.

John Scott stated he lives on Colony Circle. His property backs up to the turf farm. They have lived in their home for 34 years. There was never a pipe along his property for nearly all of the 34 years. He can only recall a few times when the City came in and cleaned the ditch. It worked very well. When the pipe was put in, he even questioned the size of the pipe. The amount of water that has historically flowed through the ditch would never fit in that size of pipe.

Hillary Thompson states she lives on Colony Circle. When she purchased her home, there was a

berm and a ditch along the turf farm. On August 18th she had approximately one foot of water in her backyard because the ditch was not longer there. She filed a claim with the City, and was contacted by the insurance company and told flooding is an act of god. She feels it is not fair the insurance company is putting this off as an act of god when the City put in a pipe that was too small. She feels someone should be held accountable for this, and the situation needs to be resolved.

Kathy Morewood stated the ditch used to be taller than her, and wider than her arm span. This size of ditch cannot be replaced with a little tiny pipe. If someone wasn't there building a berm there would be several homes lost. There is a 25 foot easement, and the City needs to use it. She would like to see her great big ditch back.

Peter Gessle stated he is here on behalf of David Olsen. He represented the Olsen last year in the previous flood when a fence was placed and the debris caught and water backed up and flooded their home. The Olsens home flooded again in the past flood. It was very clear if the ditch had not of been piped into such a small pipe, the Olsen home would not have flooded again. He feels the City management of the flood water directly affected their home.

Mayor Neilson stated all of these comments are going to be taken into consideration, and will be discussed with the appropriate Staff.

**6. Review of changes to the Washington City Employee Handbook to meet State and Federal regulations. HR Director Ruth Holyoak / Employment & Labor Law Attorney Bryan Pattison**

Human Resource Director Ruth Holyoak briefly reviewed the changes to the Employee Handbook with the Council.

City Attorney Jeff Starkey stated within these changes includes a Social Media Policy.

Councilman Seegmiller asked if the changes to the Employee Appeals Board could be reviewed.

Attorney Brian Pattison reviewed the changes to the handbook with regard to Employee Appeals. Changes were made in Legislation, which were in opposition to what was previously part of the Washington City Employee Handbook.

City Attorney Starkey explained a vote of the Council would need to take place in specific appeals.

Councilman Seegmiller noted there were dates within the document, which are incorrect, and will need to be changed in the final document.

Human Resource Director Holyoak stated it has been interesting to work on the Social Media Policy. This has been a subject, which was addressed the past couple of years as part of the Sexual Harassment Training. The policy will be a real asset to the employees.

Councilman Seegmiller asked if there are restrictions on the City computers with regard to social

websites.

Attorney Pattison explained the policy refers to what employees are doing on their own time, with regard to speaking about work or their employers and fellow co-workers. This is a new law, and they felt that less is more at this point.

Councilman Truman asked if the policy would address how much would be allowed, and what would be enforceable.

Attorney Pattison explained it is very difficult to try to set specific limitations.

Councilman Truman stated he does not know if we should be able to limit freedom of speech outside of the workplace.

City Attorney Starkey stated one of the items they wanted to address would be to avoid crossing lines of discrimination or harassment. We receive training for these specific issues, and we do not want our employees to have a grievance filed upon them for something they have said on a social media site.

Attorney Pattison explained the Policy is an absolute defense for Washington City if by chance an employee comes forward with a claim of harassment. If there is enough concern that Council wants to table to the Social Media Policy, then he would stress Council still move forward with the other revisions as they are in direction violation of legislation.

Councilman Seegmiller asked for clarification of donation of accrued vacation time.

Human Resource Director Holyoak explained the vacation donation policy with Council. The employees actually own their vacation time, and if they feel they would like to donate to help out another employee, we like to accommodate their request.

**7. Discussion and review of Boundary Adjustment between Washington City and City of St. George for Nelson property. City Recorder Danice Bulloch**

Community Development Director Drew Ellerman reviewed the request for the Boundary Adjustment. He explained there have been some discussion with Staff, and found pros and cons with the request.

Councilman Turek stated he would support the abandonment due to lack of services by Washington City.

Councilman Truman asked if we give this parcel up, then is there a potential other applicants will come forward with request to de-annex.

Community Development Director Ellerman stated there is always the potential to request the de-annexation/boundary adjustment. However, Council can deny the request.

City Manager Carter stated St. George City is not taking a position on the request.

Councilman Seegmiller asked if they want to build, would they have to pay to get services to the property.

City Manager Carter stated they would have to pay.

City Attorney Starkey stated we have only now heard direction from the Council. There will not be any way the Resolution can be done at the Regular Meeting tomorrow night. He will determine the process at this point, and if the road abandonment will need to be done before the Resolution can be placed on another agenda.

**8. Discussion and review of revisions to the Dixie Power Franchise Agreement. City Manager Roger Carter**

City Manager Roger Carter briefly reviewed the revisions to the Dixie Power Franchise Agreement.

**9. Adjournment**

*Councilman Seegmiller made a motion to adjourn the meeting. Councilman Staheli seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Meeting adjourned at 9:11 P.M.

Passed and approved this 8th day of October 2014.



Attest by:

*Danice B. Bulloch*

Danice B. Bulloch, CMC  
City Recorder

Washington City

*Kenneth F. Neilson*  
Kenneth F. Neilson, Mayor