

**MINUTES**  
**ENOCH CITY COUNCIL**  
**June 5, 2015 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Robert Rasmussen  
Council Member Destry Griffiths-absent  
Council Member Steve Johnson  
Council Member Kirk Lovell-absent  
Council Member Gary Wilcken  
Council Member Mike Olenlager-phone

**Staff present:**

Julie Watson, Recorder  
Dan Jessen, Treasurer  
Robert Dotson, City Manager

**Public present:** Leslie & Brett Brindley, Jared Baker, Haven Scott and Westin Smith

**1. CALL TO ORDER OF SPECIAL COUNCIL MEETING-By Mayor Rasmussen at 5:00pm.**

- a. Approval of Agenda for June 5, 2015-Council Member Johnson made motion to approve the agenda. Motion was seconded by Council Member Wilcken and all voted in favor.**
- b. Conflict of Interest Declaration for this agenda-none stated**

**2. SET A PUBLIC HEARING ON THE 2014-2015 BUDGET FOR JUNE 17, 2015**  
Mayor Rasmussen asked for a motion to set a public hearing for the 2014-2015 budget. **Council Member Wilcken made a motion to set a public hearing for June 17, 2015 for the 2014-2015 budget. Motion was seconded by Council Member Johnson and all voted in favor.**

**3. DISCUSS RESULTS OF INSURANCE INVESTIGATION ON BRINDLEY SEWER BACK UP AND CONSIDER RENUMERATION BY THE CITY TO THE BRINDLEYS**

City Manager Dotson said he got a call from the insurance company and they say the City is not liable under governmental immunity so they offered \$5000 per our policy. Council Member Johnson confirmed that the Brindley's had been given the opportunity to give their side of the story and they confirmed they did. Mayor Rasmussen said we discussed the total costs of this disaster is \$49,647.11 minus the \$5,000 that will be paid out. Council Member Wilcken said the bottom line is the City has our sewer line and we know the blockage was in our pipes although there appears to be no reason for the back-up. Council Member Wilcken said we should pay the difference adding the Brindley's have been very reasonable in what they are asking to be covered. This is just part of doing business. It was stated the bid is for clean-up and restoration as well as replacement of personal belongs, furniture, clothing and the like that had to be discarded. They placed a "used" value on these things.

Council Member Olenlager agreed we need to take it out of sewer savings to make these folks whole. Council Member Johnson said this is not something he believes government should solve although he knows they are being honest and fair. The proper role of government is we charge residents to keep and maintain the sewer system.

It was stated we don't know the cause but this is our sewer system problem. We pay in more than what it costs just for this type of thing. Mayor Rasmussen confirmed the line is flowing

fine now. Brett Brindley said they will take extra steps to help themselves by buying a special policy to cover that. Also a back flow preventer is being installed on the home.

City Manager Dotson said normally when something happens and there is a claim and recovery costs the individual making the claim signs a document saying they no longer hold the City liable for any other costs. This is not a declaration of guilt or innocence and the matter is closed. He gave more details about the agreement not to go back on the City or our insurance company once they are paid. Council Member Olenlager asked if we have to disclose the amount being paid. City Manager Dotson said yes because this is a public meeting and this is public information. We want people to know we stand by our system. This could set a precedent Council Member Johnson said although it does not happen often. Council Member Johnson said in the future it might be good to get more than one estimate. City Manager Dotson said they got other bids and are presenting the lowest one.

Mayor Rasmussen asked for a motion. **Council Member Wilcken made a motion to make payment in the amount expressed based on the fact we have documentation and based on the reasonable and right thing to do and that there is an agreement for remuneration and there will be no further claims on the City. Council Member Olenlager seconded the motion and all voted in favor.**

Dan said that he is worried this may sound negative but it is not and this is the right thing to do. His thoughts are to be fiscally responsible and who knows when this might happen again. Most sewer companies do this and his point is we should maybe have a “rainy day” fund. This expense is covered this time but it sets a precedent. Then no piggy bank to continue to draw from and the Council needs to consider that. Council Member Wilcken said if this is recurring problem we may need to adjust the fee schedule. Council Member Johnson said we should privatize the sewer enterprise.

Dan said if this was a business and not a government enterprise they would make the customer sign a contract. As a business they have to make a profit and rates would be higher. When someone sues the City, governmental immunity protects us from frivolous law suits. He said if this was a private company they would have to make a profit and we do not do that in the sewer company. We need to be clear that we are doing the right thing here and not saying we are doing this out of fault. We inspect and maintain the system at a reasonable level. We could do more if we wanted to charge more. We could buy our own cleaning truck and do a number of extra things but we would have to bring in more revenue to cover that Dan said. This is still a rare occurrence. Council Member Johnson said we have to determine the cause of this. It was noted there is new construction up the hill from the Brindley’s home and when installing new laterals things can happen. Council Member Wilcken said we are doing what we should on regular maintenance and this is part of the cost of doing business. Dan said coincidentally when we created the new drainage enterprise fund we transferred almost the same amount we are paying out to the drainage fund. We may need to look at raising fees. Council Member Johnson said it is amazing that this one-time expense was more than the entire library we cut.

**3. ADJOURN-Motion to adjourn by Council Member Johnson. Motion seconded by Council Member Wilcken and all voted in favor.** The meeting ended at 5:35pm.

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