

MINUTES
ENOCH CITY COUNCIL
June 17, 2015 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 Gary Wilcken
Council Member Mike Olenslager

Staff present:

Julie Watson, Recorder
Dan Jessen, Treasurer
Gary Kuhlmann, City Atty.
Earl Gibson, Public Works
Jackson Ames, PD Chief
Robert Dotson, City Manager

Public present: Michelle & Donna Pritchard, David Owens, Shawn Stoor, Jared & Lisa Baker, Tim Watson, Cassie Easley, Brent Taylor, Michael O'Rourke, Candace Funk, Angela Walker, Julie Jordan, Bob Graul, Marshal Chamberlain, Worth Grimshaw, Carolyn Olenslager, Hillary Hollingshead, Don & Linda Kelley, Melanie & Ryan Johnson, Geoffrey Chesnut and Timothy Daniels

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Rasmussen at 6:00pm. He welcomed the audience.

- a. **Pledge of Allegiance-Led by Julie Watson**
- b. **Invocation-Audience invited to participate-Given by Jared Baker**
- c. **Approval of Agenda for June 17, 2015-Council Member Wilcken made a motion to approve the agenda. Motion was seconded by Council Member Johnson and all voted in favor.**
- d. **Approval of Minutes for June 3, 2015-Motion to approve minutes by Council Member Olenslager with correction of one typo noted. Council Member Lovell seconded the motion and all voted in favor.**
- e. **Approval of Minutes for June 5, 2015-Motion to approve the minutes by Council Member Wilcken. Motion seconded by Council Member Johnson and all voted in favor.**
- f. **Conflict of Interest Declaration for this agenda-none stated**

2. PUBLIC HEARING REGARDING 2014-2015 BUDGET

Mayor Rasmussen asked for a motion to enter the public hearing. **Motion made to enter a public hearing by Council Member Olenslager. Motion was seconded by Council Member Lovell and all voted in favor.**

Mayor Rasmussen invited public comments.

There were no comments.

Council Member Lovell made a motion to end the public hearing. Motion was seconded by Council Member Olenslager and all voted in favor.

3. RESOLUTION NO. 2015-06-17-A A RESOLUTION ADOPTING A REVISED BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2015

Mayor Rasmussen asked for discussion. Council Member Wilcken asked Dan to explain the changes to benefits and wages. Dan said City policy is if an employee has their own insurance they can opt out of taking City provided insurance. They receive an in lieu of payment for 60% of the insurance cost. Only so many employees can opt out per our insurance rules to keep the

group benefit. A couple of employees transitioned to that status so it appears as if they got a raise but they did not. Their benefits were adjusted. The department most affected was the PD where two officers left our employ. When someone leaves they get their unpaid vacation time paid out. One employee lost other group coverage and had to come back onto City insurance so it went the opposite in that department. Salaries and wages did not go up but were moved from the benefits line item. Council Member Wilcken recapped that per our discussion the point is that salaries did not go up and this will correct itself in the coming fiscal year. Dan also highlighted that he has done some calculations on the unassigned fund balance, which is savings, saying he has been concerned because we are right near the minimum of what the State allows. For unassigned fund balance it has to be not lower than 5% or more than 25% of funds that are unreserved for a specific thing. He now calculates we will be at about 7% this year. Also another item that needs clarification is in enterprise funds. We installed a new sewer line that was not budgeted in capital outlay. This was required because of the new drainage system and NRCS would not allow us to count the installation of the new sewer line towards our match. We had to pay for that out of general funds using about \$60,000 of our own money to complete the project. We decided we could not use impact fees for that because it was not done as a result of new growth. There were no other major changes. Dan added it also helped that City Manager Dotson made the deal with the solar company and Rocky Mountain Power for the lease on the tower that is bringing in some income for the City. Dan said due to the City Council's fiscal policy and the NRCS project being completed, next year our total anticipated revenue will drop by a million dollars. What is prudent for us to have in savings is another story. The auditors could write us up with a finding and that could affect our credit rating. Mayor Rasmussen asked for a motion on the resolution. **Council Member Johnson made a motion to approve Resolution No. 2015-06-17-A. A resolution adopting a revised budget for the fiscal year ending June 30, 2015. The motion was seconded by Council Member Lovell 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

4. DISCUSS AND TAKE ACTION ON HALF MILE ROAD DRAINAGE ISSUES

City Manager Dotson passed out a list of items we needed to check on for Half Mile Road. He explained it is all dependent on one question. Do the residents want to do an SID for curb, gutter and sidewalks? If so, these other projects will be put off so as not to spend the money for that fix if the SID is going to happen. He explained there are two ways of doing an SID. The City Council can approve the SID and then it goes through the municipality for borrowing to bond which is easier for a city than for a few residents. Or the residents can drive the SID process. City Manager Dotson said we would get bids from multiple contractors and look at interest rates however that can't happen in a week. Either way this is spread over 20 to 30 years for the payback.

Tim Watson explained some challenges of curb and gutter on that street saying the homes on the west side are sitting higher than on the east side. If curb, gutter and sidewalk are installed some properties would sit lower than the sidewalk so some additional landscaping material would be needed to make a more gradual drop off from the residential edge of the sidewalk. The advantage is it is permanent and water will flow more consistently handling a larger volume of water. That is the most effective way to do it.

There was more discussion by the Council who noted there are too many unknown factors right now but an SID could be a consideration. There was also more discussion of who bears the responsibility to mitigate flood issues, residents or the City. Some residents said the water just needs to flow away quickly by any means that works and not necessarily the more expensive curb, gutter and sidewalk. There was more discussion of historical water flows and

how they were changed with I-15 being built and other development. Half Mile Road is the natural low spot where water has historically flowed to the north. The City did not create this issue. City ordinance says it the property owner's responsibility to move water past their property and not impede the flow. There was more discussion of possible future expansion of the NRCS project that was unaffordable in the first leg of the project. City Manager Dotson said he has given information on the SID process to some residents and has it available for any who would like it.

City Manager Dotson said there are another 12 items on this list that could be done instead of an SID but are dependent on the SID decision. We are doing the road anyway and we would postpone that road work so we are not doing it twice. The question is what can we do at lowest price to be fair to City residents? The realignment of existing culverts is most economical thing to do. One resident said infrastructure is the City's responsibility.

Jared Baker said regarding infrastructure and historic flows that we need to consider there is a difference about whose responsibility it becomes when property is allowed to be developed. Tim Watson agreed saying as the water passes through a development the development is required to handle the water. There are different ways to control it and at the south end of Half Mile it was the developer's choice to put in curb, gutter and sidewalk there. City Manager Dotson went on with the list saying compaction on the sewer line has been expressed as a concern. He said Tim Watson retested the compaction where it had originally failed and this time got 92-93% so all compaction tests are now acceptable. There was more discussion of the recent testing process. Council Member Wilcken asked with passing tests now that meet requirements do we need to do more. Council Member Lovell said the settlement is obvious. There is still settling that is taking place. Tim said it would cost \$77,000 to re-compact the entire line. There was more discussion with Jared Baker who reiterated his suspicions that with vibration and movement the sewer line will move and get loose. He gave many more details of what he observed and thinks should be done and his concerns with standing water in borrow ditches that will leach under the line destabilizing it over time. The new sewer line is in the borrow ditch now and not in the road where it would be under the asphalt. The manholes were underwater in recent storms. Tim gave more details of the testing and the backfilling procedure noting that much of the native soils were removed and replaced with the proper type of fill adding this is adequate testing. Council Member Olenlager asked if we tested where the settling actually is located. Tim said between the two manholes there was one test. The discussion continued and Council Member Johnson said we did the testing as we are supposed to. If there is settling in the sewer line we are going to do something about. City Manager Dotson said #4 on the list was to survey the sewer pipe with a camera. We are getting three bids to determine any elevation changes. Jared countered saying there would not be movement of the pipe yet but it will happen in the future as water saturates under the pipe.

Council Member Wilcken said if we can verify the pipe is where it needs to be by running the laser or camera then we should be good. Tim said we may want to take areas between the two manholes that have indicated some settlement and expose that area to see what we find. If we find there is inadequate compaction between the two manholes we work on that first so we are not spending money on what does not need any work.

A resident asked about rough costs for the curb, gutter and sidewalk. Tim said he has done some preliminary figures saying with about 100 feet of frontage a ballpark figure would be \$3800 to improve that area adding there are many variables. It could also be done without sidewalk making for less cost. City Manager Dotson said, moving on with the list, we will be done shooting the grades for the culverts by tomorrow. Most are 12" culverts and those could be reset so the water will flow as it should. If we were to upsize to 18" culverts the ditches would have to be dug deeper. Quotes were received for 18" culverts and if replaced under driveways

only that would be about \$4800 in materials. Some properties have culverts across all the property frontage and that would cost more at \$9430. The question is who pays for that?

Residents have always been required to pay for their own culverts. In 2004 the City Council said we would reset the culverts not replace them. That did not happen for whatever reason and now this Council could choose to honor that commitment. We were planning on resetting culverts as soon as possible with any help from residents we can get.

There was a brief discussion of other flood streets within the State and that they are often inverted. It was noted that all of the utilities in the street would have to be moved at great expense and that one downside to inverted streets is ice in the winter. It was noted that when we are ready to repave the road the sewer manholes will be raised to keep water out. If they decide to compact more then they will do the grading after that. Decisions have to be made so things depending on other steps to be done first can be put in the correct order to avoid repetition and cost. We are compiling bids from asphalt companies to get a lay down machine and have the paving done professionally. We are also talking about acquiring pond property for a retention basin to take the storm water. This gives an idea of things that are part the overall picture to mitigate these challenges

Lisa Baker said they now rescind their offer to help with culverts due to liability issues. City Manager Dotson said if they sign a document as volunteers, they are covered on the City's insurance and that takes out the liability. There was more discussion of the road repairs and repaving. City Manager Dotson said we will do what the Council directs us to do to fix what we can. This discussion is a part of the process. Council Member Olenslager said we have to start with the most basic things and we should not pave until other issues are solved. Council Member Johnson said mistakes have been made. Perhaps the first mistake was not making sure culverts were installed correctly for proper flow. If there are problems on the new sewer line the City will do whatever we need to do to prevent back-ups and then proceed with other work.

It all depends on decisions that need to be made by the City Council. Do we reset the existing culverts or put in 18" culverts which require more digging work. A previous City Council said they would adjust the culverts in 2004 but the City has never paid for culverts. They are provided and owned by the homeowner and not all need to be moved. If the Council decided on 18" culverts we would have to do the entire street because all but one culvert is 12" now. The question was asked if 12" culverts would handle the water. Earl said that size will carry water between homes but does not move the water as quickly as 18" culverts would.

City Manager Dotson proposed we hire a company to do the compaction instead of having our people do it. He thinks we should do the culverts first and then if they choose to do the re-compaction of the sewer line that would be next. Mayor Rasmussen asked do we have step-by-step action plan for a motion.

Council Member Lovell suggested resetting the existing culverts but residents need to unplug and clear their own culverts. **Council Member Lovell made a motion to reset the existing culverts so they flow collectively before the next meeting and then move towards re-compacting the sewer line. The motion was seconded by Council Member Johnson and all voted in favor.** We will review the list at the next meeting and get a progress report.

5. DISCUSS AND SET A PUBLIC HEARING REGARDING THE NUISANCE ORDINANCE

Mayor Rasmussen asked for discussion. City Manager Dotson said the current nuisance ordinance was found in four different places in the Code so he put together a presentation to help to clarify the changes. He went through the existing definitions regarding water, wastewater, garbage, weeds and other items. Much in the current ordinance is very subjective. He also noted current penalties which may not be realistic. City Manager Dotson said over time he and Chief Ames have tried to condense these definitions to present the Council with some options. For those

who have to administer this ordinance and get complaints daily regarding weeds we are in a very difficult position. The ordinance says we will do certain things that we are not able to do such as mitigate weeds on private property and lien the property for the costs. Dangerous buildings are covered in the International Building Code so that has not changed much. There was more discussion of health and safety of one or more persons and that there are many references to nuisances affecting three or more persons. Normal agricultural practices do not constitute a nuisance. We are recommending changing issues regarding weeds to specify only “noxious weeds” as designated by the State. There are 34 definitions currently and staff is recommending reducing that down to eight definitions. These are just ideas that have come up because of our challenges as a municipality is to enforce what we have on the books. We do not have the manpower to enforce these things. If the Council wants enforcement there has to be an appeals process included. We have suggested some new penalties that are more reasonable however the City Council has to decide if they want that to change.

This has been confusing as presented with moving things around in the Code, striking things out and adding things. We have tried to group similar things together in categories that make more sense. Chief Ames added the Council needs to look at defining a nuisance and then decide what resources they want to throw at it for enforcement. We do not have many enforcement resources now however there is an expectation from residents in the community that we do these things and should do them. City Staff needs direction. Mayor Rasmussen asked the Council where they want to go with this.

Council Member Wilcken requested they each be given a hard copy of this presentation and then come back in two weeks to set the public hearing for a month out. That way we have something to present as an ordinance so the public has something firm to comment on. All agreed that would be a good way. There was more discussion of enforcement and if we even want to do anything. That has to be considered when this comes back. City Manager Dotson said most cities enforce based on complaints rather than driving around looking for violations. Dan said we had two complaints today about the same property and people want us to do something. We deal with this daily and need a resolution to the problem. City Manager Dotson said he would email the presentation to the Council and the item will come back on the next agenda to set a public hearing.

6. DISCUSS TRANSPORTATION TAX BEING ON THE NOVEMBER BALLOT

Mayor Rasmussen asked for discussion saying we were asked by the County Commission to tell them if Enoch officials would support the transportation tax proposal being put on the ballot. If it is on the ballot then the people decide if they want to accept a local option sales tax to be used for transportation. The percentage for Iron County would be .15% because we do not have a transit district. Council Member Wilcken said he talked to Commissioner Dave Miller today and there are two things to consider. One is Cedar City has some issues that need to be straightened out before this makes sense and also there is no county election being held this year. Putting this on the ballot would cause a special election and added expense. The County Commissioners think this is not the time to vote on this issue and when other things are resolved it may come back.

7. RESOLUTION NO. 2015-07-17-B A RESOLUTION OF THE CITY COUNCIL OF ENOCH CITY, UTAH ENCOURAGING IRON COUNTY TO SUBMIT THE PROPOSAL TO VOTERS IN NOVEMBER 2015

Resolution died due to lack of a motion.

8. PUBLIC COMMENTS

Bob Graul said he questions noxious weeds and who is supposed to look for them. The thistle is getting big and he asked how we get rid of it and who sees that is done. *City Manager Dotson said each landowner is responsible for their property according to current ordinance. The City does send letters asking homeowners to remove noxious weeds however City employees can't go onto private property to do that. He suggested that perhaps we could get the scouts to do service projects and get permission to cut weeds.* Regarding the recent flooding he said he relates to these folks because he lived in a hurricane-prone area and we seem to be getting more and more severe thunderstorms. In one area he lived a municipality condemned certain properties because it was cheaper and more plausible than fixing the problem. He said he owns property on Leigh Hill and owners are responsible to get the water off their property and into a drainage facility. If that is appropriate the folks should help fix this problem for this street. A bond issue is not an unreasonable option to cover certain issues that are fixed and then go away. In regard to the nuisance ordinance he would like to see barking dogs addressed as well as junk and abandoned vehicles. He thanked the City Council for their hard work.

Melanie Johnson said thanks for all the comments and the desire to help them on Half Mile Road however the actions stated are short term solutions and will not fix the inherent problem of the road. She suggested we should relook at designing it properly to be a flood street. Because of existing utilities it may not be possible but we could look at the cost. Curb and gutter is a better solution for the long term. She reiterated that this is the City's water from all over coming down their street. The City should consider taking the responsibility and fix it long term which may require an investment acknowledged that budget issues are big adding there are ways to finance a solution that will work long term and be fiscally responsible. More issues will come up if this is not done correctly.

Ryan Johnson said they have heard from Half Mile residents and there will be time to hold this Council's feet to fire in the future. Today he wanted to thank the City Council and added that they do appreciate the consideration.

Cassie Easley said she is empathetic and this is an ongoing problem that needs to be fixed. The City gets money from all the taxpayers in Enoch and if they had a problem on Maple Lane the City would not have to be responsible. Not all in Enoch should pay to fix their road from flooding.

Worth Grimshaw said regarding weeds and it is not difficult to keep a shovel handy to get the thistle when we see it. The reason he came tonight is that back in December he was invited to City meeting to discuss a road problem and the issue was taken care of in ten days or so. He received a letter explaining the Council's decision and he wrote back stating there are other roads with similar situations to the issues he had and he has not had an answer to his letter yet.

Don Kelley owner of Willow Glen Inn said they wanted to listen to a City meeting as they are new. They came from a city worried about large scale development and flooding. He told about a bond they did to finance a drainage project and it saved them from flooding and maybe we should look at that. He also said everyone is worried about stepping on others rights but there comes a time where you have to draw a line and take responsibility to mitigate things that cause property devaluation when thinking about nuisance codes.

9. CORRESPONDENCE-none

10. COUNCIL/STAFF REPORTS

Council Member Wilcken said just so the public is aware during the big storm last Wednesday our PD Officer Mike Berg was taking pictures of all the water coming through the culverts under the freeway. On Thursday Mayor Rasmussen, Evan Vickers, Earl Gibson, Mike Berg and himself went up in a helicopter over the east hills to see where the water came from and its path was very

clear. The water comes from outside of our jurisdiction off federal or state lands so that is a challenge. They looked at the overall picture with minimal damage done to property. This was a big storm but had no significant impact. Our new system did a good job of collecting a lot of the water.

Mayor Rasmussen said he and Council Member Johnson were talking about having a thought on freedom along with the invocation and pledge on our agendas as a regular item. He assigned Council Member Olenlager to do the first one saying we will work down the line of Council Members. Mayor Rasmussen asked about holding a “Meet the Candidates” night. Julie said we have been approached by a group who would like to do that before the primary and the general elections. Timothy Daniels, one of the organizers, was in attendance and said they intend to call two schools to book their facilities for the events. It was suggested they call Gateway rather than Three Peaks as Three Peaks School is not in Enoch. Timothy said they are looking at Wednesday July 29th and Thursday July 30th at 7:00pm. All candidates are invited and would have 5 minutes to state their platform and then after that each candidate would have a table where they can talk to people. After the primary they will plan for the general election. Mayor Rasmussen thanked him for doing this for the City.

City Manager Dotson reported the morning after the flood he got a call from NRCS and they said we are still on their list to get more funding to enlarge the project which could include catch basins on the other side of the freeway. In the past they have met with BLM and other organizations involved and have discussed basins on the east side where large amounts of storm water typically run from. He gave more detail saying our match would still be 25%. Council Member Wilken added as they flew over the area it was plain to see where the water comes under the freeway. If we could do Phase 1 as we had originally planned that would provide the retention ponds which could be a real saver to people in the lower areas. Often this storm water does not even fall in Enoch but runs here from the hills. City Manager Dotson said we are losing our administrative assistant Susan Carter who is taking another job. She is very valuable to the PD and to administration and her leaving is a big loss to the City. We are advertising to replace her. City Manager Dotson said he received a request from a citizen to rename Midvalley Road to Main Street. One of the challenges is Midvalley Road does not end in Enoch but continues out into the county. He said he and Mayor Rasmussen met today with the Interfaith Alliance in Washington and Iron Counties. They are developing a pilot program called “Just Serve.org”. People who want to volunteer can go to their website to find volunteer projects. One of our projects is thistle removal in Enoch. It is almost too late now and we need folks to remove thistle on property. He reported the Youth Volunteer Coordinator showed up to ask for projects to do. The volunteer projects have to be for non-profits, like the City, and he asked for suggestions. This website information will be dispersed through the local churches and is sponsored by the LDS Church and interfaith groups.

Dan Jessen said not to minimize our struggles, but he is grateful we are not dealing with deaths and massive flooding and landslides like other places in the country. We have our own challenges but it is worse elsewhere.

13. ADJOURN-Motion to adjourn by Council Member Lovell. Motion was seconded by Council Member Olenlager and all voted in favor. The meeting ended at 8:40pm.

Julie Watson, Recorder **Date**