MINUTES ENOCH CITY COUNCIL

August 4, 2021 at 6:00pm City Council Chambers City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut Council Member David Harris Council Member Jolene Lee Council Member West Harris-absent

Council Member Katherine Ross Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder-Zoom Ashley Horton, Treas. J. Wayment, City Atty. Hayden White, PW Dir. Robert Dotson, City Mgr. Jackson Ames, PD Chief

Public Present: Mike & Nina O'Rourke, Worth Grimshaw, Victoria Colon, George Klaybourne, Wade Adams, Jeff Olkeson, Karen Gledhill, Carol Grimshaw, Dan Semick, Richard Jensen, Debra Ley, Leonard Correa, Robert Bromley, James Thelin, and Andy Losee

CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Chesnut at 1. 6:00pm.

- Pledge of Allegiance-Led by Council Member Stoor a.
- Invocation-Audience invited to participate-Given by Richard Jensen b.
- Inspirational thought-Given by Council Member Harris c.
- Approval of Agenda for August 4, 2021-Council Member Harris made a d. motion to approve the agenda. Motion was seconded by Council Member Ross and all voted in favor.
- Approval of Minutes for July 21, 2021-Council Member Ross made a motion e. to approve the minutes. Motion was seconded by Council Member Harris and all voted in favor.
- f. Ratification of Expenditures-Council Member Harris made a motion to approve the ratification of expenditures. Motion was seconded by Council Member Ross and all voted in favor.
- Conflict of Interest Declaration for this agenda-none stated g.

2. **PUBLIC COMMENTS-**

Mayor Chesnut said he wanted to give some context that may answer some questions before they start public comments. The flood on Sunday was the culmination of over two weeks of almost daily exceptional rainfall. We received reports from NOAA that Enoch City, which normally gets 12 inches of moisture annually, received 15 inches in the last two weeks. That is more than the annual average within the last two weeks. The most aggressive storm was Sunday and that was 2 to 4 inches in about two hours. The engineering and the requirements in our Code work in normal conditions but this was off the charts and was way past a 1000 year event. He explained how the numbers are calculated and what the expressions like "100 year event" mean. We don't build for larger than that because it is way too expensive. He said since 2012 we have done many things towards mitigating water coming from the east side of I-15. This wasn't just Enoch water. It came from the east side of the freeway. After the storm they saw from the helicopter where the majority of the water was flowing down from. City Manager Dotson showed the footage taken. Most residents could not see the water that came off of BLM land that we have no control over. We have a plan funded by the federal government which takes a lot longer than it would take if we had the funds to do the project as a local government but we don't have that kind of money. The Federal government is slow. There was more discussion of the major issues and the things that have been done that helped slow the water but were overwhelmed with the amount of water and speed in which it fell. East of I-15 and Hwy. 91 are the areas with issues in big flooding events. He pointed out the accumulated hail that was estimated at four feet deep in places. He showed various spots where things settled and where water was retained but overwhelmed. This flyover was at about 8:30 that night before dark. Those who suffered damage in 2012 have questioned why the City hasn't done anything. We have, however this was more than anything we have done could handle. We have done many things to run bigger pipe to absorb more water and to catch water and divert it to drop boxes as part of our larger project. The bigger issue is what comes from under the culverts east of I-15. That property is BLM land and we have begun that process to create five basins to slow and retain the water. Due to it being a federal project many extra environmental studies are required that take up a lot of time. We are in the middle an environmental assessment. There was more discussion of the requirements of the process to begin the actual project. The cost is north of 8 million dollars to build those basins. Mayor Chesnut said that is the background of what happened. The rainfall we received in two weeks is 600% of normal for this time of year and this is a recap of what the City has been doing since 2012. When we are asked to spend money we spend it for the average thing we can plan for and we have been doing that. This was far in excess of that. We were all flooded. Council Member Lee's home was flooded and we as elected officials live here too, pay taxes and make decisions. If you want to be belligerent, then do so but you are our neighbors and we don't need that. We want to talk more about the calls we received from all kinds of groups to help us and they did that. Almost all of the 294 homes with flooded basements were pumped out by midnight. The LDS church is getting drywall to give away and we are looking at three days to receive that. That is monumental and was amazing on the speed of getting most of this flooding cleaned up. We had no control over the weather. We plan the best we can but when this happens the community comes out and does it all with volunteers.

Worth Grimshaw said he was the one who told the City what needed to be done after the 2012 flood. He gave details of his recommendations and said this would not have happened if we had not stalled out waiting for engineers and EIS studies. He said he has seen these 100 year floods several times in his lifetime. He suggested we forget the engineers on where to start or how to do the flood control. He has seen Garden Park flood three times. He explained the issues by the storage units on Hwy. 91 saying he has seen worse in the past. He told his qualifications saying he owns a lot of land and he understands where the water comes from and how to fix it. It could have been fixed for a couple million dollars and he understands how they have to spend it adding he is not sure Mayor Chesnut understands. Farmers know that water runs downhill and he told the City where it runs within 50 feet of every place the water went. There is no 1000 year event and it will happen again. Mayor Chesnut said water came off the mountain and we know about it and it costs money to fix it. How do we fix it when it is not our land? This is BLM property. Worth said you do it on your side of the freeway in your town and he recapped again what could have been done. He told about where Settlers Square is now and what happens to water on that land adding he owns a ditch in that area. The water could have been channeled to that land where Settlers Square is now if we had not allowed development. He warned it will happen again because it used to be soaked up by the fields there. We have to find a way to not run the water through town trying to get it to the pond in Parkview like we are doing now. He gave more details of what he thinks we should do instead. The people of the town need to be protected and would be better off if the City had put the 2-3 million project in and we could have done that. Mayor Chesnut said he does not disagree and to not have to deal with federal money would be better but we had no choice. We would have to double the taxes to do that and were seeking other avenues to do the project so as not to raise taxes. Worth said do a bond on it. He thinks most with flooded basements would support a bond. The problem, Mayor Chesnut said, is when we support something the people opposed show up and no one else does. He said he has no problem with spending money to protect ourselves but then the residents come after us to not spend money. Worth said don't pay some engineer to come out and tell us what to do. This happens more than they say and when it rains on the mountain it can sometimes rain in a small area and rain very hard as we saw on Sunday. On the north end he gave permission to run water onto his land to recharge the aquifer. He asked the City to keep the ditch clean so the water would go there and not flood him. He had his basement flooded in the past because the ditch was not cleaned out. He cleaned it and stopped 90% of the water going into his house. That was 2012 and this time it did not cause him any damage. The City still needs to understand this is not a 1000 year event and he does not trust in the City anymore saying his father has seen water 2 feet deep on Midvalley before. That means in the last 120 years it has happened five times. We have nothing to stop the storm water and the new development increased the water flow. As we build more we have to take care of it before it gets to the town. It could have been done for a whole lot less and you do have to have it engineered but you tell them what to do and get it done. He has seen it enough to know. We fixed the smallest things and left the rest. Worth said he understands that it overran the basin out by Hwy. 91 however it did not go down the pipeline. You can't fix the problem by taking a little measure. Many will see this again. Mayor Chesnut said he wants Worth's help. Worth said he knows more about water than any engineer and he told them what he thinks before. He suspects we'll get the same result this time. He expects the ditch by his house to be kept clean and he does it himself anyway. He did not get flooded because of his work there. He is here to take care of his neighbors.

George Klayborne said he helped clean out the same ditch Worth is talking about. Speaking to Mayor Chesnut he said you are the CEO so fix it. George said lives in the county and helped going from home to home. Speaking to Mayor Chesnut he said you come off as a condescending SOB and we want solutions. Can you stop it or will you let developers keep going and filing the land where water should go. Once they started building the flooding all started happening. The City did some things and it still floods and will again. He has had damage to his property from all the building and it happens over and over. He gets the water washing out his driveway between City Manager's Dotson's house and his house. Talk about engineers and inspectors and he laughs. It is a joke. If you need more money from taxes he is good with it and the 290 homes will go for it to be protected. Many lost everything. He said we chose to live here and love this town and you have to understand you can't talk to people like this. You did the best you can do and it is not enough. Many said this is the worst storm. They have never seen anything like this and you don't think all the asphalt caused this? The water came from under the freeway not here. The water took out the asphalt on Homestead Blvd. and it all came from under the freeway before and still does. Mayor Chesnut said you are right about how I should have been more empathetic. Mayor Chesnut said he knows George was out there with Worth helping. He was not as empathetic as he should have been. We kept the press out of the way to get things into the community we needed. He declared an emergency from the helicopter when viewing the flooding. Mayor Chesnut said, don't be that angry guy. Be the guy that sits next to us to find a solution. The reality is we choose to live here too. There was more back and forth and blame placing with much repetition of what had been said already. No one wants this to occur again and we are working with our partners on all levels of government to find solutions for prevention. We stand together to talk about solutions. Mayor Chesnut said he understands George and many others are angry but is it ok to ask what will you do as the government when we can't control weather events of this magnitude. It is not possible to plan or build for something like what happened to Enoch over the last two weeks.

Council Member Ross said yesterday we had an emergency meeting and we talked about solutions that we are working and that we have to get studies done. It slows down the process even before all the projects got started. The City has done things. Have we always made the best choices? We don't know until something happens. City Manager Dotson said regarding the property along the freeway on the City side and in Settlers Square, we tried to purchase the land but the landowners would not sell it to us. We did pay to upgrade the drainage lines when the developer was starting Settlers Square and to tie it into our system to help mitigate the water flow. Council Member Ross said each time we have a storm it hits in a different area and we try to fix what happens. We all want George and others to know we are trying. We reassess and change plans when warranted. Sometimes we have to start over because we don't know what they did in the past. We are getting past those handshake deals. Now we are getting things in writing. George apologized for being so loud and angry. Mayor Chesnut said he speaks his mind and sometimes he gets loud too.

<u>Leonard Correa</u> said he has lived through El Nino in CA and has had flooded basements there. He is proud to be a part of this community and we are so blessed to be here. He will do anything for this community and was heartened to see everyone come together to help their neighbors. He has been through some tough situations and people out there were calm and knew what to do to help. He was so impressed and is proud to live here.

Martin Ormond said he had damage to his house on Oregon Trail and Midvalley Road and has a suggestion. He said all that water came from down the Ridge area and maybe the City could try to do something so it does not start a raging river. Every time it comes down the same hill. They dug ditches and it all worked for his house this time. Maybe the City should just look and there because there are no culverts and we should be tougher on enforcing that. He described the ditches saying on Sunset and they get blasted from uphill. Could everyone just get a culvert installed and maintain them. That would make the water go into the ditches. He feels sorry for all who got flooded. He thanked the City Council.

City Manager Dotson said two days before they were out there looking at yards and culverts trying to figure how to make this not happen. They were trying to address things so they could save some homes hit the first time it flooded a couple of weeks ago. Liability wise we did what we could under the law to keep the City's liability within what the law and our insurance allows. He was here in 2012 and has never seen a storm like this one. He knows what the weather people say and the engineers and believes the farmers too with their knowledge of the past. When we deal with what comes from across the freeway it has to be engineered to work with BLM which is a federal agency. We want to keep the free enterprise system in place so people can do what they want to do with their land. Mayor Chesnut said he appreciates what people did to help each other. The solutions only come when we can come together. We have offered culverts to people and they refuse them. City Manager Dotson said you have to keep the ditches and culverts clean and allow water to pass by your property. That is stated in the law. Mayor Chesnut said we can't make people do things. Mayor Chesnut said his message is we are a family. We need to work together for solutions. All apologized to each other for being angry and hot headed.

<u>Richard Jensen</u> said he appreciates all that Mayor Chesnut and the City Council did. We worked shoulder to shoulder. He spent hours helping and he forgives everyone's anger and outbursts as all were pushed to the edge. It was not the City's fault. One of the things he loves about Enoch is we keep things small and government out of people's lives to the extent we can. We could force things on people like culverts because we have bad things happen when we get more water than we need. The staff works their tails off and he thanked all in the community. It is no one's fault. He hasn't missed too many meetings and if hind sight is 20/20, if you have a solution, come to the table. Keep doing a good job and we appreciate you all he said.

James Thelin said his brother lives on Horseshoe Drive and he told him you need to get a culvert and he did that and it worked at first. This event made the community come together and as he listens he wonders what grants can we apply for that people who feel insecure could get help to fix some things. If we can get the money to help people affected that would go a long way to helping them feel more secure. Maybe we could help fund sump pumps in basements. City Manager Dotson said everyone who had damage needs to report it because we have to have hard data. Most government grants go to government entities for infrastructure and not for homeowners. Unfortunately funds are not available for individuals. We are restricted on what we can do as a government. Any grant money we can get is for repairs to City infrastructure. City Manager Dotson said we need people to report and we will go together as a County group to get grants. City Manager Dotson explained how it works on emergency assessments. Once certain thresholds are met then a certain level of FEMA aid kicks in but it is huge to meet their threshold of damage. Our community fixes the damage before they can even come to look at it for assessments. He told how it worked in 2012. This storm created far greater damage. We have to have people report on the website to get the data. We have to have a name, damage sustained and hours worked. This is Cedar City, Enoch and the County going together. The LDS Church is getting the information out. They Stake reported 4000 hours and that is only a quarter of the hours actually worked. Mr. Thelin asked if there is anything for people. City Manager Dotson said some money has accumulated from other sources like "Go Fund Me" accounts to help. FEMA can sometimes give 0% interest loans but it is not cash that can be given. There are conditions too on how the water got to the home and if it was surface water or sewer water. There is a property tax break available if people apply to the County for a tax reassessment. People can also use the resources at the Red Cross set up in the LDS Church by Family Dollar, Mayor Chesnut said. He encouraged all to go use the things that have been given to help them. Drywall will be available at no charge also. Mr. Thelin thanked the Council. There was more brief discussion of reporting all time spent on any flood efforts including filling sandbags prior to the storms. It all counts and helps to get to the threshold.

Debra Ley asked if you have yard damage related to the storm, can you report that. Mayor Chesnut said yes, it all counts towards the threshold so report it. A lot of people don't want the credit but it can't be anonymous. The time frame is 14 days after the event to send in the report.

There was more discussion of the ongoing storm drainage projects. Other residents who did not give their names thanked other neighbors for helping to sandbag their homes to save them and for helping afterwards to remove water and damaged property. Many expressed concerns about the different places they live and the various types of damage sustained. Most residents wanted to know what is being done to prevent this from happening again. City Attorney Wayment said he did research and per our Code and State Code you have a duty to maintain the water on your property and keep it there. There is no duty to retain water that comes on you from others. What do you do when it all comes from above in a domino effect? The answer is if you can identify one property then they have the obligation and they are liable for the damage. It can result in lawsuits. It is less expensive to go to them as a group of neighbors and say you have this problem you caused. If they are disrespectful then you take pictures and have that for the future should it happen again. It is more effective coming from a group of neighbors than anything the City could attempt to do.

Andy Losee thanked the City workers and Mayor Chesnut saying the City crew is amazing. Strangers helping strangers was an incredible show of humanity. Everyone wants things done but don't want to pay for it. If you believe this is predictable you are incorrect. You can never expect something of this magnitude. He suggested everyone contact their insurance agent to see if anything can be covered. You can get a rider for sewer backups on your insurance so spread the word. Being mad won't bring your stuff back so don't be mad and angry.

Mayor Chesnut said empathy is a better approach and he appreciates being reined in. City Manager Dotson said in 2012 we immediately applied for funding to mitigate that event which was localized in the south part of the City. He showed what we did and told about the NRCS grant and how it is phased to create storm drainage systems on the west side of I-15. He said again that after that storm, we requested easements and the owners refused our request to buy the easements. Our second plan was to create storm drainage in the Settlers Square area that was farmland at the time and they refused to sell the property to the City. Option 3 was to divert the water through diversion ditches into large pipes and he described the pipe size and how the engineers came to the calculations. We built the drainage and it took a year and a half. We used "in kind" labor to offset some of the match that was required for the grant money adding about \$29,000 in cash. We built the manholes with grates on top of them so water can go in and he explained the whole thing and how it works. We had enough money to end on Half Mile Road and we had to stop there. He told about Parkview and where the retention pond will be for all the storm water but we have no design for it yet. He told about Settlers Square being bought and developed and how we collaborated with them to put in a 40 inch pipe. They designated one whole lot as a detention pond which worked but was overwhelmed in the Sunday storm. The Iron Mountain Park pond held a tremendous amount of water and was pumped out for six hours by the FD and that pond overflowed too. The FD was pumping it for five-six hours at 1000 gallons a minute. That was phase two of the NRCS project. Phase three is a grant for \$425,000 and because it is BLM property we had to do an EA. We can't just go do something without that EA study as required for federal funding. Working with Sunrise Engineering they are designing the basins to stop the water and retain it and release it at a metered rate. The cost was 2.9 million back when the project began. Sunrise Engineering was here all day long Monday and did damage assessment and the plan is changing now. They expanded the scope of the plan because of all the water that came under the freeway and farther north than it has done before to include that area. We are working with them to reduce the time it takes to get these things done. Then we can apply to get grant money which is now ten million instead of 2.9 million. City Attorney Wayment said they are only allowed to do certain things and if a town takes action they become liable. When Mother Nature does it, we are not liable. He explained people need to contain the water that is on their property. If you decide to do certain things it can create a problem and perhaps put water on your neighbor so it has to be approved first. When you dry cut the land and remove all the sagebrush, it is a problem causing water to flow with nothing to slow it down. People need to be educated on how to contain the water. If most do it and some won't then they are liable. If all above in higher areas don't do what they need to then there is a domino effect and it is hard to place blame. There was more discussion of what happened. Don't do anything stupid is often the "code word" for don't do anything, Mayor Chesnut said. Discussion went on about new subdivisions and all the issues caused. City Manager Dotson went on to discuss individual issues with different properties and where the water comes from. Mayor Chesnut said Enoch needs to be a good neighbor and we will try to make things work better adding people think nothing has been done since 2012 but it has. With this situation no amount of infrastructure could have held that much water in a short period of time. There was more talk about insurance and what is covered and not covered. City Attorney Wayment said read your policy. The City is coordinating with all the others helping and guiding people to get that help so they know where to go. The LDS Church sent two trucks full of everything from tools to food to get help here and we can make sure the word gets out help is here for people. All we can do is keep the momentum up to get people to resources. This is what government is supposed to do; partnering and helping to direct resources. ServPro came in to give the disinfectant for basements. We have communicated directly with the Governor and the State to get resources to help and that is happening. Mayor Chesnut said, as the guy in the hot seat, it is his job to direct people to resources. That is the role government should play in a situation like this.

3. PUBLIC HEARING ON THE GIBSON, PARCEL #D-0181 – SMITH, PARCEL #D-0549-0002 AND ENOCH CITY, PARCEL #D-0181-0001 ANNEXATION

Council Member Harris made a motion to open the public hearing on the annexation of Gibson's, Smith's and Enoch City as listed above. The motion was seconded by Council Member Ross and all voted in favor.

Mayor Chesnut invited public comments.

George Klaybourne said they bought their property in the county to be in the county and now someone wants to build there on land that is in the county. If he is building homes for his kids he does not agree with it. They got out the city for a reason and it was for more property and more space. This annexation process is what it is but he is not in favor of it.

Council Member Harris made a motion to close the public hearing. Motion was seconded Council Member Ross and all voted in favor.

4. ORDINANCE NO. 2021-08-04-A AN ORDINANCE ANNEXING 4.80 ACRES OF LAND OWNED BY EARL & JOY GIBSON, PARCEL #D-0181, DONALD K. & JANET CHERYL SMITH, PARCEL #D-0549-0002 AND ENOCH CITY CORP., PARCEL #D-0181-0001 INTO THE CORPORATE BOUNDARIES OF ENOCH CITY

Council Member Harris made motion to approve Ordinance No. 2021-08-04-A, an ordinance annexing 4.80 acres of land owned by Earl & Joy Gibson, Parcel #D-0181, Donald K & Janet Cheryl smith, Parcel #D-0549-0002 and Enoch City Corp. Parcel #D-0181-0001 into the corporate boundaries of Enoch City. The motion was seconded by Council Member Lee and a roll call vote was held as follows:

Council Member David Harris-Yes Council Member Ross-Yes Council Member Lee-Yes Council Member Stoor-Yes Council Member West Harris-Absent Motion passed

5. ORDINANCE NO. 2021-08-04-B AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP AND THE ENOCH ZONING ORDINANCE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 7 ACRES OF PROPERTY OWNED BY THE GRIMSHAW FAMILY TRUST, PARCELS #A-0752, #A-0754, #A-0757, #A-0757-0003 & #A-0757-0002 FROM SINGLE FAMILY RESIDENTIAL R-1-18 TO SINGLE FAMILY RESIDENTIAL R-1-11

Mayor Chesnut asked Council Member Ross about this. She said this came from the Planning Commission with a favorable recommendation. Council Member Lee asked if this changes the shape of the property. Carol Grimshaw said this makes it so they can have a surveyor come in to divide it so all of the children can have a lot as their father Norman Grimshaw wished. It will make her lot smaller which she wants and then Larry Brough's garden can be on his property. This is all currently R-1-18 going to R-1-11 in order to accommodate the splitting up of the property. It will only fit on R-1-11. She said she appreciates the Planning Commission and their favorable recommendation. Council Member Ross said this property is on the edge of growth going to the north.

Council Member Harris made motion to approve Ordinance No. 2021-08-04-B, an ordinance amending the General Plan Land Use Map and Enoch Zoning Ordinance Zoning Map by changing the zoning of approximately 7 acres of property owned by the Grimshaw Family Trust, Parcels #A-0752, #A-0754, #A-0757, #A-0757-0003 & #A-0757-0002 from Single Family Residential R-1-18 to Single Family Residential R-1-1. The motion was seconded by Council Member Lee and a roll call vote was held as follows:

Council Member David Harris-Yes Council Member Stoor-Yes

Council Member West Harris-Absent Motion passed

6. **DISCUSS DRAINAGE PROJECTS-**Mayor Chesnut said we already did this in Public Comments.

7. COUNCIL/STAFF REPORT

Mayor Chesnut said he came in feeling ill-tempered due to stress and thanked all for their help. George Klaybourne asked if the Gibson annexation passed and was told it did. The annexation process was explained to him with the statement that people have the right to do with their property as they see fit when it works with the City providing services to them and meets all other requirements which this annexation did. Mr. Klaybourne continued to argue about this and other development. Mayor Chesnut said Mr. Klaybourne chose to live in the County and no one will tell him what he can or can't do with his property.

Council Member Ross said the Planning Commission is talking about annexation declaration lines adding City Manager Dotson sent out letters to those on the southern border about their options. She explained the lines and what would stay the same and what is proposed to change. She said she worked on handing out sandbags in Settlers Square and is hoping the City will do something to slow the speed on the straight streets. Maybe something like speed bumps would work. She wondered if Chief Ames could put the flashing sign out for a while on Southern Homestead where the traffic is really fast.

Council Member Lee asked about the kind of water that is it healthy for recharge referring the muddy water that was flowing to the ponds. She referred her question to Council Member Harris? He said the actual recharge that makes a difference is from the snowpack in the mountains. Most of this storm water evaporates once it gets out to Rush Lake and Quichipa. We are working on retaining it closer to do some good. He talked about aquifer recharge and some projects ongoing with the County and Cedar City.

<u>Hayden White</u> said they have been working a lot on the 15,000 sandbags we received that need to be filled. They need volunteers because they found six pallets this morning. Other cities that came to help are appreciated and we need people to log hours spent on helping with the flood.

Council Member Lee asked who we would be expecting bills from. Twin D who normally does our sewer flushing every year will send a bill as they would usually do the work anyway. Mayor Chesnut said most was volunteer work and we don't know for sure who will be billing. There was more discussion of the need to log hours worked from anyone who helped in order to meet FEMA thresholds. FEMA sometimes does provide 0% interest long term loans for residents and that helps.

<u>Council Member Ross</u> said she wanted to thank the public works crew for their extremely hard work. She said she knows some have been yelled at by residents. Council Member Ross reminded everyone that Wreaths across America and needs a committee.

<u>Council Member Harris</u> said 9-11-21 will be a "Day of Service" and he can't think of a better way to do that than what was already done. We could have a project to fill the sandbags.

ADJOURN-Motion to adjourn by Council Member Harris. Motion was seconded

by Council Member Ross and al	voted in favor. The meeting	ng ended at 9:00 pm.
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Julie Watson, Recorder	Date	Meeting ID: 835 6554 6572

10.