

**MINUTES**  
**ENOCH CITY COUNCIL**  
**December 16, 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 Olenslager

**Staff present:**

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

**Public present:** John Horstdaniel, Brent Carter, Dawn Fisler, Billy & Jacob Chodorow, Wayne Dykstra, Dilworth Armstrong, Michael O'Rourke, Spencer Jones, Robert Jensen, Troy Denman, Mark & Janice Webster, Michelle Pritchard, Jolene Lee, Dennis Cheek, Brian Johnson, Shawn Stoor, David Harris, Brett Brindley, Linda Chipman, Brian Kunk, Bob Graul, Worth Grimshaw, Cliff Kimber, Tim Watson and Christine Spencer

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Rasmussen at 6:00pm. He welcomed the audience and excused Council Member Lovell and Council Member Griffiths.
  - a. **Pledge of Allegiance-**Led by Dan Jessen
  - b. **Invocation-**Audience invited to participate-Given by Troy Denman
  - c. **Inspirational thought-**Given by City Manager Dotson
  - d. **Approval of Agenda for December 16, 2015-**Mayor Rasmussen said we need to add other recognition plaques to item #2. **Council Member Olenslager made a motion to approve agenda with that addition. Motion was seconded by Council Member Wilcken and all voted in favor.**
  - e. **Approval of Minutes for December 2, 2015-**Council Member Wilcken made a motion to approve the minutes. **Motion was seconded by Council Member Johnson and all voted in favor.**
  - f. **Conflict of Interest Declaration for this agenda-**none stated

2. **PRESENTATION OF SAFETY AWARD AND OTHER RECOGNITIONS**

City Manager Dotson presented the Safety Award saying Enoch City was ranked the eleventh safest city in Utah. He told how that is figured based on crime statistics noting we were ranked third last year. City Manager Dotson said this is the last scheduled public City Council meeting for three Council Members and Mayor Rasmussen. We would like to present them with plaques for their service and we will take pictures after the meeting. We also want to give special recognition to Mayor Rasmussen by reading a history of his many years of service to Enoch City. He has served on many boards in addition to serving as Mayor. He was presented with a plaque with his services dates and the gavel he used. City Manager Dotson read the list of dates he served noting some memorable world events that happened during those years. There was applause from the audience.

Mayor Rasmussen thanked all and said Wednesdays will be different for him now. It has been a pleasure to serve the community but it is time to do something else. He said he was diagnosed with Parkinson's disease and some days it is harder to manage than others. He invited all to stop by to visit and to say hello when we see him out walking.

**3. REAPPOINT BOB TINGEY TO THE PLANNING COMMISSION**

Mayor Rasmussen presented the name of Bob Tingey to serve another term on the Planning Commission and asked for a motion. **Council Member Olenslager made a motion to approve Bob Tingey to serve another term on the Planning Commission. Motion was seconded by Council Member Johnson and all voted in favor.**

**4. REAPPOINT DOUG GRIMSHAW TO THE WATER BOARD**

Mayor Rasmussen presented the name of Doug Grimshaw to serve another term on the Water Board and asked for a motion. **Council Member Johnson made a motion to reappoint Doug Grimshaw to serve another term on the Water Board. The motion was seconded by Council Member Wilcken and all voted in favor.**

**5. PUBLIC HEARING REGARDING THE ANNEXATION OF 11.31 ACRES OF LAND OWNED BY DENNIS AND MISTY CHEEK**

Mayor Rasmussen asked for motion to open the public hearing regarding annexation of property owned by Dennis and Misty Cheek. **Motion to enter the public hearing was made by Council Member Wilcken. Motion was seconded by Council Member Johnson and all voted in favor.**

Mayor Rasmussen invited public comments. There were no comments.

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

**6. ORDINANCE NO. 2015-12-16 AN ORDINANCE APPROVING THE ANNEXATION OF 11.31 ACRES OF LAND OWNED BY DENNIS AND MISTY CHEEK LOCATED AT 3194 N. MINERSVILLE HWY.**

Mayor Rasmussen asked for a motion to approve the ordinance. **Council Member Olenslager made a motion to approve Ordinance No. 2015-12-16, an ordinance approving the annexation of 11.31 acres or land owned by Dennis and Misty Cheek located at 3194 N. Minersville Highway. The motion was seconded by Council Member Johnson and a roll call vote was held as follows:**

<b>Council Member Griffiths-absent</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>

**7. PRESENTATION ON PROPOSED ABANDONMENT OF PORTIONS OF RAVINE ROAD-City Mgr. Dotson**

Mayor Rasmussen turned the time to City Manager Dotson for an informational presentation for the public on what is being proposed. City Manager Dotson said in a September 2<sup>nd</sup> City Council meeting we had a discussion where the City Council made a statement that Ravine Road is a road except for where there are buildings. There is a proper legal way to take portions of a road out of a road and that is through the abandonment process. He described the two maps saying one was from 1952 and a current Google map was over layed to produce the map shown. He noted road widths as shown on the map saying the road is 15 feet wide in some spots. Our engineer produced a new map with the surveying which shows the details of portions 1, 2 & 3 where buildings now exist that are to be abandoned from Ravine Road. He gave details of each section to be abandoned saying from the conversations it is the intent of the City Council to abandon those portions and the road remains. If the City Council so decides the road construction can make the road go through. He described other property where the road has gone through before and that are not in a subdivision. He said the City Council will discuss this after

hearing public comments. The information given is based on the intent stated from previous Council discussions.

**8. PUBLIC HEARING REGARDING PROPOSED ABANDONMENT OF PORTIONS OF RAVINE ROAD**

Mayor Rasmussen asked for motion to enter the public hearing. **Council Member Olenslager made motion to enter the public hearing regarding abandonment of portions of Ravine Road. Motion was seconded by Council Member Wilcken and all voted in favor.** Mayor Rasmussen invited comments saying please keep them to three (3) minutes and state your name for the record.

Wayne Dykstra of 1900 E. Ravine Road said he bought property in 1993 and built there in 1997. He used Ravine Road many times to go north in those years and could always go through that way. That road has been used for nearly a century and a road is a road and should stay a road. He was disappointed when the road was closed saying he has to go all the way around now to get to church. This abandonment should be contingent on at least graveling the road so they can travel on the road and with the intent that it go all the way to Highway 91. Also the City should not allow any more homes to be built there over the utility lines. Mistakes were made by the City and the Planning Commission and he will not name any names. He just wants the road open and useable for public safety for the PD and the fire department. It should be open so City crews can use it. It has been in the phone book map that the road went through and in recent years it was closed to through traffic. Many want to use the road.

John Horstdaniel of 5459 N. Enoch Road said Ravine Road dead ends right into his house. He bought his property in 1987 and traveled up Ravine Road for many years on four wheelers adding you could go a couple hundred yards and then the rest was unmaintained blacktop he assumes was from the old road. He has no problems whether parts get abandoned and opened up but his concern is that if opened and it is a road he will be at more of a flood risk than he is now. He said since the City tore out the pond and continued to fill in the ravine making it smaller, the storm water coming down increases in its speed. This year when we had a flood, there seemed to be a pipe in the southeast corner of the old pond that continued to run after the rain ceased and it flooded him and his neighbor. The problem with the ravine is if you widen that road that means the width of the ravine will be more closed off and it will flood his property worse than it does now. He reiterated he does not care about abandoning portions of the road but the City needs to address the flooding problem.

Mark Webster said he will be filling the ravine and building a lovely home so wherever the water goes the City better be ready for it. They own an acre and a road would be nice but he intends to fill it in. He said the City dumps there already and he intends to fill in the ravine regardless.

Worth Grimshaw said Ravine Road has been a road for many years. At one time it was the main thoroughfare from Enoch to points north. The City determined it is a road and it is a road all the way through. It has been shut off by people for their own purposes. A sewer and water line run down what was the road and that has been ignored. The City receives B & C road funds for maintenance of this road and has continually. No one has been able to go through the gate and fence in place there now. As stated, future subdivisions to the west shown on the left side of the map will have some people who wish to go to the church as will those who own above the subdivision. If they want to go to the church now they go to Enoch Road and around to get to the church. He has no problem with abandonment of sections if the road is opened so it is usable. If the road is not opened then he is opposed to it. He is hoping the City Council will do as they said and it will be a road all the way through. It was only recently closed and should not have been. Someone ignored that and it should not be a factor. The road should be opened with the road being put back where it belongs even if it can zig-zags around that one house.

Brian Johnson passed out a document saying this is a petition that was signed by 35 people. 60% said they don't want the road to be opened and don't want it to go through because that will increase traffic and cause safety issues. He stated he has issues with the hypocrisy of some who had no issues when the Stake Center was built where it was built on a section of Ravine Road and now they have problems that they can't drive straight through. No one said a word when the church was built there and there were no objections until now. He noted Council Member Wilcken was on the City Council at that time and may remember no one said anything about the church stopping the road from going through. He wants to see it the way it is now and 60% are ok with abandonment but not opening the road to through traffic.

Dawn Fisler said she now owns the property her parents owned since 1983. The road coming off the property was from Heather Hue and they fought for that road being done. Ravine Road now is going to be the access point and she is opposed to having the road go through. This has come up before. The safety issues will not be better with it opened and almost all access to that area comes off of Heather Hue and other roads and that is fine. The abandonment is fine but not the road going through.

Brett Brindley said he owns property west of the abandonment areas and they have been under the assumption that the road would go through to Heather Hue giving access to their property. If you look at it, this makes sense to have a road to the Stake Center for all in the City. He said he thinks it is more unsafe to send people around. The road should be opened and they always thought it would be.

Cliff Kimber said he is building across the street from where the road might come through. They did not want a pass through road when they decided to build there because they wanted to avoid a high traffic area. This will now be an intersection to his driveway and he does not want to see that. As a parent, it will be dangerous for children and people will go too fast. It will be a deal breaker for him. To make a change like this for a few families to be able to drive through is silly. They always had to drive around and that was not a problem for anyone until now. It seems silly to gravel the road and spend that money and now it has been stated there will be more water flow problems too.

Scott Jensen said he lives on Ravine Road on the corner of the second cul-de-sac. He is not a huge fan of the road going through due to the traffic issue. Now there is more building and traffic has doubled in front of his house. There are lots of kids and no street lights. The long straight road encourages speeding and people don't pay attention to kids playing all over the place. He is not in favor of the road going through. Going around is fine for most all people and the Council should weigh the general safety of the public.

Brian Kunk said he lives off of Ravine Road on South Point Circle and does not want the road to go through for safety concerns and the waste of City money to make the road go through. As a taxpayer he objects to that waste of money.

Spencer Jones said he represents Velocity Builders and owns a lot of property in this area. For obvious reasons he wants to state he is opposed to the road going through and wants that clear. They tried following every process to achieve what is there now and for the future. The majority of remarks are not in support of the road going through. To be able to get to the church is not a good argument. All of a sudden that is being used against them to get access to a church building that was not even there until a few years ago. That is an ethical problem that some have tried to create and are now using against him and his business interests.

Robert Jensen said he is the attorney representing the Ridge Subdivision and the developer. The issue is not the abandonment of three parcels and they are all ok with that. The abandonment should be conditional on behalf of the developer. In September a decision was made that this road goes under three existing structures. It was believed to be abandoned already and as they look at that action and the nature of Ravine Road we should consider the history of the last ten years. Those three areas have been granted approvals by the City and permitted for construction with the

belief or understanding that Ravine Road had been abandoned. Based on that belief the Stake Center was permitted and a home was permitted and constructed on the road. The action today to abandon three parcels is justified and that establishes the intent. There is no debate this was a road. The only question is now there are three structures. In the past the City said the road is abandoned in their statements. The issue should be how do we get together to solve problems and find solutions rather than constructing an alternate road. The City has said it has not been used for ten years. It is not right to ignore this but we should find a way to resolve this and get the parties together.

***Mayor Rasmussen allowed some who had already commented to make another statement.***

Wayne Dykstra said when Lloyd Scott's house caught fire Enoch Road was blocked off and they had to go through other people's property and risk their lives to get around and back onto Enoch Road to get out during the fire emergency. It will happen again and they need access out the other way on Ravine Road. Right now if Enoch Road is blocked there is no other way out. He said the City Council never ever did walk that property to see where those houses were going in when they were being built. They just accepted the Planning Commission recommendation.

Worth Grimshaw said the real thing here is Ravine Road should have never been abandoned. There were water and sewer lines in that road for many years before it was blocked off. He described the gate and where it is closed. It turns out that gate was not even on the developer's property but they locked people out. Letters from the City with demands to open the road were ignored. It was not done and utility lines are in the road. As Mr. Jenson argued a year ago regarding N. Enoch Road, once opened for ten years you can't just abandon it. It is a road all the way through. There will be 100 homes where they can utilize that road if it is made available. The main safety factor is for fire protection and it needs to be open to through traffic. The flooding now taking place there should not be happening. The water should go north and it has been diverted so it does not go where it naturally used to go. Open road to take care of people who will need it and those who need it now. No one ever abandoned the road. It was over-layed by the developer who was head of the Planning Commission and had a conflict of interest. The Planning Commission did not walk it when applications were made and the City Council accepted their recommendations. Others were not notified things were going to happen to affect their property and that is not proper.

John Horstdaniel added he has been on the Planning Commission for 9 + years and they have reviewed applications and held public hearings as required prior and during construction. There was never anyone or any mention to the Planning Commission about the road going through in their meetings when they made recommendations to the City Council. They never heard a complaint by any citizen coming to the Planning Commission regarding this road.

Dawn Fisler gave more history about the ownership of the ten acres of land her family owns and purchased in 1983. They were told the road would not be a continuation of Ravine Road but that Heather Hue would be the access road. In 1983 in 1994 it came up again and it was overturned and her parents were there to discuss it. She said she still objects to opening the road but the abandonment is fine.

Robert Jenson said to address the safety issue and because the City Council makes policy decisions, they can take the "Brigham Young grid system" or choose more current design ideas and trends to make more beautiful winding roads and cul-de-sacs. They already made that policy decision that all roads do not have to connect. It is not a safety issue to make people and fire and PD drive around as long as they know where the roads are located or not. The safety issue is not an issue at all. He is sorry someone has to go around three blocks to get to church. There are dead end roads on the end of Ravine Road and people know that because there are signs there.

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

**9. DISCUSS PROPOSED ABANDONMENT OF PORTIONS OF RAVINE ROAD**

Mayor Rasmussen said this discussion time is for the City Council. Council Member Johnson said that we have concerns of flooding now as expressed by John Horstdaniel and apparently that will be issue for him if the ravine is filled in. Also now Mark Webster said he intends to fill in the ravine to build so where will the water go then? We have been told it is hypocrisy to open the road for people to go to Church but not hypocrisy to go to the park. Someone had a problem about getting to the church so if there are not complaints on both sides it is not hypocrisy. It was stated opening Ravine Road will cause high traffic and that is a misnomer in this case. It will not be heavy except for before and after church meetings. He understands why people who live there would not want that believing it is a safety issue. Council Member Johnson said we should think of the whole community. This should decrease danger for those on Heather Hue Road. This is not about safety for the whole community and opening the road decreases danger. The utilities in the roadway itself are a concern. If we abandon the portions of the road then how does that affect the City's access? He does not know that. He started a brief discussion of access to utility lines on private property and some past issues with that on other properties in other parts of town. It is important for the City to maintain and have easements to work on the utility lines. Mr. Jenson was talking about abandonment and it is right to abandon some portions of the road in an effort to make this better for everyone. The law goes for justice and not for mercy but this is to reconcile mistakes made and so no one's property is bothered inasmuch as that is possible. The fact is we have a street existing underneath three structures. A point was made that in 1983 the Planning Commission told a property owner that Ravine Road would not be an access road. The Planning Commission has no binding legal authority and it is the City Council who decides. If they guaranteed something they should not have and it is not binding.

Council Member Olenslager said the wonderful thing about government is that it is dynamic and things change and you make adjustments. Older cities have this happen all the time. Things change and that is the purpose of working together to affect change in the best interest of all. We can't make everyone happy. Any issues that may or may not exist with utility easements will be worked out. Council Member Wilcken said our attorney suggested we resolve this by abandoning these three parcels of property. Opening the road may be a part of that. Things that are beneficial to some can be problematic to others as has been stated in public meetings in the past months. We are trying to fix problems that were created by innocent decisions and there is room for compromise that benefits the most people and makes it better. We can take pot shots or say we give and take to get a solution.

Mayor Rasmussen asked what the next step would be. City Manager Dotson said this needs to be on an agenda to take an action. The new City Council and Mayor will be taking office at the next meeting and will decide the issue. The discussion could be to take action on abandonment and any other actions needed. There may be more proposals at the next meeting. Council Member Wilcken suggested to City Manager Dotson that he put a proposal together and send it to all involved. There was a brief discussion of the proposal that was already made and City Manager Dotson read it aloud saying this was presented to him and Mayor Rasmussen by an individual. Tonight this is just for discussion. Our new Mayor and new City Council will be the ones to say when this comes back on the agenda. No action was taken.

**10. PUBLIC HEARING REGARDING THE 2015-2016 REVISED BUDGET**

Mayor Rasmussen asked for motion to open the public hearing. **Council Member Johnson made a motion to open the public hearing for the 2015-2016 budget. The motion was seconded by Council Member Olenslager and all voted in favor.**

Mayor Rasmussen invited public comments. There were no comments.

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

**11. RESOLUTION NO. 2016-12-16 A RESOLUTION ADOPTING THE REVISED 2015-2016 BUDGET**

Council Member Wilcken said he wanted to clarify that we made an adjustment of \$3,000 for gravel to work on Ravine Road and that change was discussed and was available in the budget for public review. That is to be used if the City Council decides to take action there. Council Member Wilcken said we have a threat of legal action from both parties. We need to show in our budgeting that we intend to keep Ravine Road open and maintained. **Council Member Olenslager made a motion to adopt Resolution No. 2016-12-16, a resolution adopting the revised 2015-2016 budget. The motion was seconded by Council Member Johnson and a roll call vote was held as follows:**

<b>Council Member Griffiths-absent</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>

**12. DISCUSS DENMAN REQUEST REGARDING WATERLINE BREAK DAMAGE**

Mayor Rasmussen said we were hoping for additional information regarding the cost of damages. Troy Denman said the Bascoms do not have all the bids in to restore their property. City Manager Dotson said it is important to give the City Council the basic information they requested. He has put together a presentation titled "Water Break". He talked about the Blue Stakes history and their records explaining the process to notify the City. There was considerable discussion of the way Mr. Denman went about the work of digging to improve his backyard and his consultations with City Staff. Much digging was done by hand with the water line not being found until it was hit by the backhoe. Earl Gibson gave a history of the marking work the City did. Pictures from Google Earth and other sources were shown to clarify.

City Manager Dotson said from the insurance company perspective, the owner of the property was Blue Staked and they hit the line. The City's insurance company denied the claim as did the private insurance held by the individuals involved. He explained how our process works to report things to the insurance company at the onset of a problem being reported. The insurance companies for the individuals worked together and denied the claims. Council Member Olenslager said he had a similar issue when he built his house and he asked the City to move the line and they did that. This happens on old installations. The City approved the subdivision but did not the move water line or easements however the highway easement moved. Mayor Rasmussen said after we know about the Bascom's claim the new Mayor could choose to have this back on the agenda. The information of what happened has been explained to the Council. City Manager Dotson said the insurance company has stated we have no liability. Mr. Denman was advised to keep in touch with City Manager Dotson regarding any bids coming in or when this might come back on a Council agenda.

**13. PUBLIC COMMENTS-**

Bob Graul thanked Mayor Rasmussen for his years of service.

**14. CORRESPONDENCE-none**

**15. COUNCIL/STAFF REPORTS**

Earl Gibson reported we got a nice snow storm and the roads were cleared pretty well.

City Manager Dotson updated the Council on the Water Board meeting where the rate structure and conservation were discussed. He explained that on January 7<sup>th</sup> the Division of Water Rights

will begin meetings to create a groundwater management plan for our valley. This is the same process as has been done elsewhere in the State. We are over pumping our aquifer and they will start pulling back some water rights in a voluntary forfeiture which will have an effect on us. Dan is working on some rate models to help us to be more in line with what is happening. He explained we are now below capacity based on new State calculations for fire flows and other criteria. We are ten percent short on our source capacity and we need our new culinary well on line. We are trying to accumulate other wells and that was part of the Water Board discussion. A recommendation regarding rate restructuring will come to the City Council in the near future. Most of our water rights are in irrigation and we will take a "haircut" to transfer them to culinary use. We will end up with less water at about a 35% loss. That conversation is starting next year to protect what we have. The new rates will help those who use less.

Tim Watson, City Engineer said he is on the Conservancy District Board and is trying to meet with the State Engineer to present a plan rather than have a plan dictated to us. He recommended the Water Board needs to attend their meetings. We have two Enoch residents on that Board who are looking out for our best interests.

Mayor Rasmussen said it has been a real privilege to work with all the good people of this City and the City Staff. He said he will be out of town and will miss the next meeting so we need a Mayor Pro-tem to open the meeting until the new Mayor is sworn in. City Attorney Kuhlmann said there will not be a quorum at the next meeting prior to the swearing in ceremony so this Council should appoint that person now by motion. Mayor Rasmussen asked for motion. **Council Member Wilcken made a motion to appoint Council Member Johnson as Mayor Pro-tem for the start of the next meeting. Motion was seconded by Council Member Olenlager and all voted in favor.** It was noted the Oath of Office to the newly elected officials will be given before the "Conflict of Interest" declaration on the agenda.

**18. ADJOURN-Motion to adjourn by Council Member Johnson. Motion was seconded by Council Member Olenlager and all voted in favor.** The meeting ended at 8:10pm.

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