

**MINUTES**  
**ENOCH CITY COUNCIL**  
**December 2, 2015 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Robert Rasmussen  
Council Member Destry Griffiths-phone  
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  
Nick Turner, City Atty.-absent  
Earl Gibson, Public Works  
Jackson Ames, PD Chief  
Robert Dotson, City Manager

**Public present:** David Owens, Troy Denman, Dilworth Armstrong, Wayne Dykstra, Michelle Pritchard, Tambor Bascom, John Frisbee, Shawn Stoor, Scott Zingleman and Troop 391, Ryan Brindley, Kami Winter, Geoffrey Chesnut, Scott & Andrew Seegrist, Worth Grimshaw, and David Harris

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Rasmussen at 6:00pm. He said Council Member Griffiths would participate by phone and Council Member Lovell is absent.
  - a. **Pledge of Allegiance-**Led by Troop 391
  - b. **Invocation-**Audience invited to participate-Given by Scott Zingleman
  - c. **Inspirational thought-**Not given
  - d. **Approval of Agenda for December 2, 2015-Council Member Johnson made a motion to approve the agenda. Motion was seconded by Council Member Wilcken and all voted in favor.**
  - e. **Approval of Minutes for November 13, 2015- Council Member Olenslager made a motion to approve both sets of minutes. Motion was seconded by Council Member Johnson and all voted in favor for both sets of minutes.**
  - f. **Approval of Minutes for November 18, 2015-see above**
  - g. **Conflict of Interest Declaration for this agenda-none stated**
  
2. **REQUEST TO CITY COUNCIL-Troy Denman**

Troy Denman came up to discuss an issue about the City's water main. It was explained he hit the water main when digging on his property and he wanted to ask the City Council for consideration on a couple of issues. He said his neighbors; Tambor Bascom and Dustin Langston, were flooded as a result of the water line break. The real issue is that the City lost water in the incident also and did not know exactly where the water main was located because it was never "geo-located". It was noted the water line was marked in a general manner but was not where it was expected to be. He explained they were trying to make their hillside bound yard usable and asked the city to locate the water main. The markings were quite a bit different then where it was marked when they built the house in 2006. He asked Earl come back out to discuss the difference. As a result they dug quite a bit by hand and they did not locate the water main digging by hand because it was not where it was marked. He said he has called every agency he could think of and was told the City or owner of the utility is required by law to mark that to the best of their ability. He does not feel that was done by Enoch City and as a result he hit and broke the water line with the backhoe causing damage to his neighbor's property. The Bascom's finished basement was a complete loss and all insurance companies involved have denied the claims.

The next step would be a lawsuit which he would not like to do he said. He thinks Enoch would be found negligent in not marking that water line correctly. Also the City would be made to pay for court costs. He said he wanted to start the conversation now that all claims have been denied and this is the last option. Mayor Rasmussen asked the City Council what they thought. Council Member Wilcken said the conversation is noted adding he read the letter from our insurance company that does not agree that the City is liable. We need to talk to others for more information. Mr. Denman reiterated he believes the City is liable and should consider paying for damages to the homeowners. It was noted by Mr. Bascom that he does not have an estimate of his losses. City Manager Dotson said he has talked to the Langston's and they lost some carpeting but did not have as much damage as the Bascoms.

City Manager Dotson said we could go on and on but this might turn out to be a “he said, she said” thing. We did mark the line numerous times and located it on the south side of his property and there are pictures. We are not prepared for a discussion tonight and it could be a long discussion however it needs resolved ASAP. There was more discussion of how the marking took place. City Manager Dotson thinks ultimately we would get the same conclusions as the insurance company did in their findings. They have all the history and the Blue Stakes logs. Our insurance has been in contact with all parties and all insurance companies involved declined responsibility. We were not found negligent. Governmental immunity means we did not do it purposefully. We marked it in good faith however there are a lot of factors involved. After more discussion it was decided this would be discussed again on the next agenda when all of the information and data would be available. It was noted estimates of costs for repairs and replacements would be needed from the injured parties.

### **3. REVIEW 2014-2015 AUDIT-Dan Jessen**

Dan passed out the audit saying it has been submitted to the State Auditor and is approved. He gave the highlights of the audit saying it is available online at the State Auditors website. He said the bottom line is assets exceeded liabilities. He gave many details noting this audit included the one-time million dollar grant for the NRCS project that added extra accounting procedures. Unassigned fund balance is \$211,648 or 14% of the general fund expenditures. We refer to that as “savings” or unencumbered funds that are not assigned to any specific projects. The State mandates between 5% and 25% in savings and that jumped from 9% last year. He noted another one-time income item of \$50,000 from the sale of the easement. We are trading water and are only looking slightly better than last year. Dan gave more details about the enterprise funds and how standard accounting practices work in regard to those businesses. He noted sales tax and building permits and were up as forecast. He explained the new requirement to show pension liabilities saying this makes government report the real story noting that many municipalities throughout the country had serious pension liabilities that contributed to nearly crashing the economy a few years ago. In Utah we have a very healthy system compared to most states. He explained how bonds and other debts are shown in the accounting process.

Council Member Wilcken said it appears the trend is up and we are growing a bit with new building. Dan confirmed that it is up however we are just covering our costs. We are not saving for any other capital projects except the animal shelter. We have a buffer in our borrowing ability if we needed it for a general obligation bond. He gave details about the City's long term debt and when it would be retired noting that when some debt ends we pay more on the other debt. We have paid one sewer bond off early. General expenditures dropped and that was due to efforts to cut the budget like the library and salary reallocation to make it reflect a truer picture. Highways and streets dropped however we will spend more this year due to Half Mile Road which will show in the 2015-16 budget adjustments. Sewer fees went down as a direct result of starting the drainage company by taking \$2 from the sewer utility fee. He explained some details about depreciation and the adjustments to that item. The sewer enterprise fund lost due to a large

payout for a flooded basement. The new well was capitalized and does not show in the operating income. We drew down the sewer company and we lost money this year but it had money in the savings. Had we not had that savings we would see the sewer company at about break even status. The sewer expenses on Half Mile Road were one-time expenses this year. He read the auditor's opinion where they stated the audit went smoothly and the extensive record keeping on the federal project paid off in a clean audit. We are in compliance with all State requirements and there were no findings of any issues. Mayor Rasmussen and the City Council thanked Dan for his diligent work. Council Member Wilcken added Dan is always open and available for questions and he is very helpful. City Manager Dotson said there is a link on the website to the State Auditor's website.

#### **4. REVIEW REVISIONS TO 2015-2016 BUDGET-Dan Jessen**

Dan hit the high points of the changes and adjustments needed before the 2015-2016 budget is closed after the public hearing at the next meeting. He said the overall impact of the changes to the general fund was to the positive side by \$1,850. He told of the changes as follows:

- Building permit revenue will go over what was budgeted
- Cemetery lot sales have already gone over what was budgeted
- The law enforcement safety grant was lowered because our JAG grant will be less and spending for that will also not take place.
- Pass through amount of the forestry grant is noted.
- Lease with YESCO years ago is being shown but has no impact on budget. The auditors asked about it and they said we should put it in the budget as revenue and expense going out. We made a trade with them and they don't make a payment as they gave property for the Rec Complex in lieu of payment for billboards.
- Miscellaneous revenue increased by \$7000
- \$6,500 from the UDOT grant to pave the east side of SR130 when Family Dollar built is noted in budget.
- Adjusted for an insurance check to repair a PD car for new motor and PD repair and maintenance line item went down by the same amount.
- Class C road funds shows a reserve we have saved up and it still has to be paid out on Half Mile Road. The City Council appropriated those funds out of the reserve and into the general fund. It was brought to our attention that we still have one bill to come in to us for the oiling of the roads. He added \$30,000 to cover that.
- Salaries show an increase due to "in lieu of" benefits and benefits go down.
- Adjusted benefits and insurance due to an employee opting out of insurance and taking the 60% of benefits instead. Salaries appear to have increased but did not due to this "in lieu of" change.

Dan explained in the PD he has found that when we get to end of year the budget is super tight and starts to outpace what was budgeted in salaries and wages. Now that he does payroll he has figured out why that happens. There is an aspect of the PD pay that is consistent with labor laws. They don't get holidays off no matter what. They work 40 hours but they get paid an additional 8 hours of straight time for that day. To make it fair they get paid for 48 hours when there was a holiday in a week. This anomaly was not captured in the budget and he is fixing this error so there is about a \$6000 swing. To keep it consistent and fair that is the way this is done. Essentially when he put the budget together he did not understand that or account for it.

Dan went on to explain when unexpended money is in a line item we have to adjust it so it balances. The changes are presented here and we move the money in a public meeting so

our budget is transparent. It is always the best policy to show things as they are actually done so we see a story of what is happening and see the trends. Then we know why we went over and we make provisions for it. Some things are reflected as -0- and we keep them in the budget because those items may come back in a future budget. At year end expenses cannot be over budget so we open the budget and make needed adjustments twice a year. He brings these things up in City Council meeting so they are aware of how this works. If funds are not spent for one reason or another it goes back into the general fund and goes into the next budget process. They can't save up money by not spending it. One example is the fuel budget. In the process it goes back to the general fund with the exception of reserved funds that are assigned. Dan explained the one item that is handled differently is donations to animal control. People want their donations used specifically for the animals so he keeps a ledger and those are animal control's funds and are not for anything else. Chris Johnson can save that money for when it is necessary to be spent and it rolls into the next year if not spent.

Dan recapped saying revenues are out pacing our expenditures. The net effect of these changes is that we are not appropriating more money. Council Member Johnson questioned the Fun Run and that it was canceled but still shows. Dan explained it was canceled at the last minute and afterwards we refunded all of the fees collected so it carried over from one year to the next. What is shown in the budget is for the upcoming Fun Run in 2016. We did not spend and money for the run in 2015. He pointed out some enterprise fund items that were not big changes. The land purchase for the drainage pond area was moved into the budget and spent. He explained it impacted the sewer company by \$200,000 and the other change happened in the storm drain company who was also impacted by the purchase. We budgeted under capital outlay to spend this money buying land for a drainage pond and he is changing that number to reflect the purchase. We need to discuss what this is doing with the storm drainage enterprise fund. This is building capital however currently there are no wages or anything in that fund. That gives us the ability to do something with that land we are buying with that money. We need to have a plan such as to excavate, build a fence etc. This sets it up to receive and spend on the capital outlay. That way we are budgeting for it rather than reopening the budget to make adjustments. Right now we don't know what that will take to pay employees. As they are actively engaged in storm drainage work some wages can be reallocated. This gives us the ability to spend the funds. The refuse company change is that the depreciation is going up because we bought more trash cans this year. Now that figure is correct for this year's budget. Dan said those are the major changes and we will hold a public hearing at the next meeting and present a resolution to approve the amended budget. Mayor Rasmussen confirmed that this is online and available for review by the public before the public hearing. He thanked Dan for the hard work.

**5. SET PUBLIC HEARING FOR THE CHEEK ANNEXATION FOR DEC. 16, 2015**

**Council Member Johnson made a motion to set a public hearing for the Cheek annexation on December 16, 2015. The motion was seconded by Council Member Wilcken and all voted in favor.**

**6. DISCUSS CAPITAL IMPROVEMENT ONE-YEAR AND FIVE-YEAR LISTS**

City Manager Dotson said we go through this process each year in order to be able to apply for CDBG and CIB funding for grants and loans for projects. They require a prioritized list from us as part of their process even though this does not obligate us to apply for funds. He explained the list and how it is prioritized as high, medium and low. The one-year plan has the new well as a high priority and we will apply in January for funds to complete the well. The animal shelter is a medium #2 on the list. We put dollar estimates based on some costs we know about. We have saved \$10,000 each year for the new shelter and we have \$109,000 saved in the

capital budget for that. At some point we will ask for a grant for part of the cost. He reviewed the 2-5 year list which is about the same as before except for prioritizing. We may do more NRCS projects if money becomes available from them so that was added to the list. City Manager Dotson noted he met with people today from rural transportation to discuss plans and there is some funding that may be available through them. We have talked about the drainage plan and will apply for grant money for that. We may update our Capital Facilities Plan to make a more realistic drainage plan and transportation plan that could be funded from some other sources. Council Member Wilcken clarified in the resolution it states this is a step in the process and we may not apply for funding although we have to do this process in order to be able to apply.

**7. RESOLUTION NO. 2015-12-02 A RESOLUTION TO APPROVE THE ONE-YEAR AND FIVE-YEAR CAPITAL IMPROVEMENT LISTS**

**Council Member Wilcken made a motion to approve Resolution No. 2015-12-02, a resolution to approve the one-year and five-year capital improvement lists. The motion was seconded by Council Member Johnson and a roll call vote was held as follows:**

<b>Council Member Griffiths-yes</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 unanimously</b>

**8. DISCUSS CHANGES TO THE ZONING ORDINANCE**

City Manager Dotson said the Council requested that he go through the remainder of the zoning changes and apply the changes as discussed to the rest of the ordinance per the trend of the discussion. The 5% landscaping requirement was changed and also other wording regarding shrubs adjacent to roadways. Regional Commercial (R-C) is for big companies and will be mostly parking lots anyway. They have standards for transportation (roads) for people to come there. Signs are pretty standard throughout. Some permitted uses and some conditional uses were taken out. There is a list in the zoning ordinance and it is not all inclusive but rather indicative of what would go into particular zones so he took out things that do not make sense in the Professional Office (P/O) zone. Conditional uses were taken out because it limits choices to make a list of conditions. Mayor Rasmussen asked for questions or comments.

There was a brief discussion of other wording changes from Council Member Johnson who questioned overly vague or subjective terms. Types of signs were discussed and the clause to limit the number to three signs was removed per Council Member Johnson's comments. Types of signs such as intermittent or flashing signs were discussed along with the hazards they can cause. Prohibiting them was struck out. If they cause a nuisance they will be dealt with that way. Mayor Rasmussen asked the Council if they were in agreement to vote on the ordinance tonight with the motion saying the wording would be changed as agreed to in the discussion and they were. He asked for a motion.

**9. ORDINANCE NO. 2015-12-02 AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTERS 17 AND 18 TO FURTHER DEFINE REQUIREMENTS IN COMMERCIAL ZONES**

**Council Member Olenslager made a motion to approve Ordinance No. 2015-12-02, an ordinance amending the Enoch City Zoning Ordinance, Chapters 17 & 18 to further define requirements in commercial zones with the changes and corrections as discussed. Motion was seconded by Council Member Wilcken and a roll call vote was held as follows:**

<b>Council Member Griffiths- no</b>	<b>Council Member Olenslager-yes</b>
<b>Council Member Johnson- no</b>	<b>Council Member Wilcken-Yes</b>
<b>Council Member Lovell-absent</b>	

**Mayor Rasmussen voted yes to break the tie so the motion passed**

**10. DISCUSS AND SET PUBLIC HEARING FOR DECEMBER 16, 2015 FOR ABANDONMENT OF PORTIONS OF RAVINE ROAD**

City Manager Dotson referred to the map pointing out the three areas being considered for abandonment on the road. He described the three areas saying the detailed legal descriptions are referenced on the map. This was drawn from a map from 1952 and an overlay of the current Google map. City Manager Dotson pointed out more details of where the old road went noting each of the three areas in question. The road overlaps 20 feet of Brian Johnson's property and his garage is built where the old road was. Another area is in the Stake Center parking lot area and the third is an area of Ravine Road at the Scenic Drive intersection. Council Member Wilcken asked about the width of Ravine Road we are taking about abandoning. City Manager Dotson said the roadway itself has always been fifteen to twenty feet wide. We are considering abandoning only sections of the road where things have been built on now. City Manager Dotson explained the process is to set a public hearing and then do the required noticing per State code. This includes mailing a written notice to each property owner on Ravine Road, posting signs about the public hearing on Ravine Road and publishing a newspaper notice.

Council Member Wilcken said he thinks we are premature in doing this just because mistakes were made. We have not talked about water lines and sewer lines in that road and what happens to that. How do we get to City property if those portions are abandoned and how do we go about opening the road to through traffic? From our viewpoint, City Manager Dotson said, this designates where Ravine Road is "not". Ravine Road is a road except for where there are buildings. This is a step in the necessary legal process. Everything else will come after that as the Council sets the policy and directs City staff to put down gravel or cut the curb and gutter to join the road so it goes through. Council Member Wilcken asked if this action weakens our position as a City? Dan said, if anything, beginning this process strengthens our argument. To leave it "as is" is a weakness right now. Council Member Johnson said we are abandoning parts of the road so we don't have to tear out existing buildings. City Manager Dotson said the law about roads says if it has been a road then it is a road until you officially abandon it. Some say if the road has been blocked for ten years then it is no longer a road. Our attorney says the opposite. It was noted there is no recording of a road on Fislser's property but the road has always gone through there and the law that says it is a road so it is not a matter that the City is "taking" it. It is a public road already. This strengthens the City to say this is a road except where there is construction of homes or the church. This will create a legal route.

Council Member Wilcken agreed he would be in favor of doing this but is not clear this strengthens us. It was noted the water and sewer lines are in the easement and we have access through the church property. There are no pipes on Brian Johnson's property. Council Member Wilcken asked how we will go about getting the road open. Dan said he sees the situation as an action to be consistent. By officially abandoning these portions of the road we take away the argument that this never existed as a through road as was presented in an earlier Council meeting. Council Member Wilcken said his reservation is still how we will go about opening the road. City Manager Dotson said the Council will open the budget and appropriate some money to make the road drivable. He added we do have impact fee money that has been earmarked to spend on Ravine Road and we will work out the details after the abandonment process is completed. Council Member Wilcken asked if we will be sued. City Manager Dotson said we cannot determine what others will choose to do. Tonight we are starting the process by setting a public hearing. The funds to put into Ravine Road have been on our report to the State for years. We have taken B & C road funds from the State for this road too, Council Member Wilcken noted. City Manager Dotson noted it has been rated as a dirt road so we get less for that. Now if it becomes an asphalt road it increases the funds we receive to maintain it.

**Council Member Wilcken made a motion to set the public hearing for December 16, 2015 regarding abandonment of sections of Ravine Road. Council Member Johnson seconded the motion and all voted in favor.**

**11. PUBLIC COMMENTS**

Worth Grimshaw said they are as landowners involved are totally opposed to abandoning portions of the road until there is a position in place to open the road. There will still be no room to drive through when these parts are abandoned. He said the City would have to take property from someone to open the road because you can't go through private owner's property to get to Ravine Road. Brian built in the road and that is not our problem. Would we take from Diane Fisler, her property? Those who built on the road need to acquire property to open the road. Diane's property goes almost to the Stake Center and to say you have to drive down Enoch Road to get somewhere that is half a block away is not serving the needs of the community. It all needs to be settled all at once. This has been a year now of this discussion. There was no house there then and now there is. Worth said he was hot at the last meeting because he was told to let it settle then we would get a little further. There was no curb and gutter and now it is there because people have not been vocal enough. This is like being "too big to fail" now with the house built there. They want the road open and don't want the City to abandon portions to do it and he is not alone in his feelings.

*Mayor Rasmussen invited Worth to make his statements in the public hearing.*

**12. CORRESPONDENCE**-none

**13. COUNCIL/STAFF REPORTS**

There were no reports.

**14. ADJOURN**-Council Member Olenslager made a motion to adjourn. Motion was seconded by Council Member Johnson and all voted in favor. The meeting ended at 8:30pm.

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**Julie Watson, Recorder**

**Date**