

MINUTES
ENOCH CITY COUNCIL
February 1, 2017 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Steve Johnson
Council Member Jolene Lee
Council Member Dave Owens
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder
Ashley Horton, Treasurer
Gary Kuhlmann City Atty.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Earl Gibson, Public Works

Public present: Dilworth Armstrong, Jim Watson, Daniel Thurgood, Mike Shurtz, Melanie Johnson, David Hoopes, Dan Raddatz and six scouts, Sheri Raddatz and Issac Palmer

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

- a. **Pledge of Allegiance-**Led by City Manager Dotson
- b. **Invocation-**Audience invited to participate-Given by Ashley Horton
- c. **Inspirational thought-**Given by Council Member Johnson
- d. **Approval of Agenda for February 1, 2017-Council Member Harris made a motion to approve the agenda. Motion was seconded by Council Member Owens and all voted in favor.**
- e. **Approval of Minutes for January 18, 2017-** Council Member Johnson and Mayor Chesnut each had language in item #9 regarding the wage discussion they wanted to change. Upon listening to the recording City Attorney Kuhlmann said the minutes were to remain as written. **Council Member Harris 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. APPOINT MEMBER TO THE ECONOMIC DEVELOPMENT COMMITTEE

Mayor Chesnut said Melanie Johnson has put in an application to serve on the EDC. She has an extensive professional and employment background in business development with the Leavitt Group as Sr. VP of Communications, Media and Marketing. Council Member Owens added through the process of reorganizing the committee we discussed the best way to get new members. The current members said we want to create our own team of people we know who would benefit the whole. The members came up with names and reached out to contact them. He is excited to have Melanie onboard. Council Member Stoor asked her aspirations for the EDC. She said it is about creating a vision for the community that all can get behind. **Council Member Harris made a motion to approve Melanie Johnson to serve on the EDC. Motion was seconded by Council Member Owens and all voted in favor.**

3. DISCUSS AND APPROVE WILDFIRE PROTECTION AGREEMENT

Mayor Chesnut invited Mike Shurtz, Fire Marshal with the Cedar City FD to come up to tell the City Council about this agreement. He said City Manager Dotson has been deeply involved in creating this policy. In the past wildfires did not include municipalities; only counties were included and that left cities vulnerable to the cost of fire mitigation. The national trend is

that the cost of suppressing fires has increased. The fire by Kanarraville last fall cost 2.2 million to suppress. This is the national and state average. He said most times they catch fires in the initial attack stage. This agreement is for extended attacks when fires get away from us and we deal with it over several days or longer. This policy is an investment back into the community to protect against wildfire and the exorbitant costs. Enoch has a financial responsibility to be met by “in kind” work as an investment in the community to make it safer. Our cost is based on ten year fire cost average. High and low years are thrown out and they do an assessment. Risk assessment is based on fuel conditions and topography. That decided how our portion of this policy would be. As the FD they are trying to get fires under control in the initial attack and if they think it will go longer they can give that fire to the State and Feds and they can order expensive aircraft to help. This protects the City from having to pay for that. The State pointed out that this is not a blank check to order aircraft. There are strict protocols in place for that. He gave more information about teamwork to mitigate fires.

This “in kind” match is in three different areas. Prevention, preparation and mitigation and he gave more details. We all start at -0- and this is the start if Enoch chooses to sign the agreement. The main project is fuels reduction and there is a cost associated with that. The State does not expect a check from the municipalities but to do the “in kind” work and to track that and log it towards our fee. If the City does sign the cooperative agreement then we will need to create a preparedness plan and the FD will assist with that. We are required to produce that plan by July 1, 2017. He went on to tell the policy and requirement for recovering the costs for recklessness and intentional fire setting. If negligent or reckless and the State determines that they have to go after that cost from those responsible for the fire. The FD is mostly responsible for that effort.

There was more discussion of ways to reduce hazardous fuels. City Manager Dotson gave the example of cutting some trees on I-15. If a scout troop wanted a service project to pick up branches the hours are counted towards the match. We can work with them to create the plan where we look at areas that need work and we go out and do it. There is a 25% match in preparedness and much is already being done through the Cedar FD. There was a discussion of the fire fighters qualifications and that they have to be certified at certain levels to fight fires on public lands. Mitigation is 50% minimum which is reducing hazardous fuels. We will work with BLM and SITLA and private owners on the east side of I-15. Also we will do preventive advertising to prepare citizens to participate in this and what to do if evacuated. Information could be sent out with utility bills. This is about solving the problem before it happens. Council Member Owens asked if all municipalities are onboard with this and Mike confirmed they are. This comes as a result of a year and half of meetings with the State to create this agreement. Representative Evan Vickers headed it up and got it through the legislature last year with implementation this year.

There was more discussion of the meaning of “wildland fire” and of the State’s process in creating the plan. Wildland fires are outside of a jurisdiction and are an “out of control” fire. The fire is in trees and bushes and not structures necessarily although they may threaten structures. The wildland/urban interface is well defined in the agreement. The State determined the areas of risk and used a huge formula to calculate that. They set high, medium and low risk. The dollar amount was debated more than anything else in this plan. There is wiggle room to adapt and reduce the amount of the “pie” we are paying if there is a case for reduction in costs. Council Member Lee clarified this is regarding a wildland fire that originates in Enoch like a lightning strike that then trespasses out to BLM land. This agreement can be considered an insurance policy. As we implement a program there is a cost involved and we keep track of that and cross off what we owe. Mayor Chesnut said our participation is based on \$6900 in “in kind” work and with the one recent fire at 2.2 million that is worth it. There are not a lot of resources in our rural area to do these things. The State came up with an inventive and more cost effective way of accomplishing some of the mitigation. Using scouts or others who want to do service projects can

really help with our portion and it also serves to teach them. There is a dollar amount associated per hour of work that will be logged. We will have to do inventive things. We don't have money to take from somewhere else. This is an annual commitment and a signed two-year agreement to be revisited after five years. There is a map and criteria to make the map and it was hard fought and is pretty accurate but can be revisited. Impact fuels and water supply are involved. The protocols for firefighting were briefly discussed. City Manager Dotson is always informed when a fire breaks out in Enoch. We are already doing many of these things and we can count last year's efforts towards the plan commitment. Our FD meets and exceeds all requirements for fighting fires. About one third of the local firefighters live in Enoch. **Council Member Lee made a motion to approve the Wildland Fire Protection Agreement. The motion was seconded by Council Member Harris and all voted in favor.**

4. DISCUSS AND APPROVE FCAOG PLAN 2017

Mayor Chesnut asked City Manager Dotson about this plan. City Manager Dotson said the Council got an Executive Summary of the plan. The whole plan is 300 pages and was emailed. He said this is a natural hazard mitigation plan. They took the old plan and created a new one based on that. We met with the County and looked at our portions of the plan and how flooding, earthquakes and other disasters will impact us. The idea is to have a plan in the event of a natural disaster. If things go sideways the Federal and State governments can step in to help as long as we have a plan. **Council Member Harris made a motion to adopt by resolution the FCAOG Plan 2017. Motion was seconded by Council Member Owens and all voted in favor except Council Member Johnson who voted no.**

5. DISCUSS AND APPROVE VERIZON TOWER LEASE

The Verizon representative, Daniel Thurgood came up to explain the agreement. He said he works for Technology Associates who is represents Verizon in these negotiations for towers. He told about the project saying the intent is to improve capacity for the network on I-15 and to provide better coverage in the City. Currently the towers serving Enoch are a distance away and coverage is not very good. We need this tower due to population and increased data usage. The project has been in works for 18 months. He approached the City some months ago and they have been working on it since then. They have a site plan, tower design and regulatory issues have been resolved. Tonight he is here to look at the lease agreement and site approval. What Verizon is proposing is to construct a 120 foot tower at the Rec Complex and he gave more details about the construction. Other companies could co-locate on that tower however they would enter into an additional agreement with the City for a lease rate. That would provide increased monthly revenue. This allows for additional carriers to be able to improve their networks to serve Enoch. He asked for questions. City Attorney Kuhlmann was reviewing the contract for the first time and had some issues which he spelled out for Mr. Thurgood. Issues included:

- There is no language about co-locations agreements.
- Site plan, Exhibit B and other questions about the site plan.
- Commencement date issues
- Five year term and auto extension issues
- Opt out issues
- Termination rights are all for Verizon and none for the City
- Breach is not defined.
- Access terms are not clear
- Improvements allows for equipment fencing and other improvements which is open ended at their discretion
- Regulations protect the City from carriers submitting a design and doing something else. We have no local ordinance covering this.

- Talks about interference with frequencies and there should be a flip side for others to co-locate on the tower as interference could happen.
- Termination issues. They have right to terminate within three months of anniversary date. He wants our right to terminate if there is non-compliance with regulations.
- The Trust, our insurance carrier, does not like indemnification provisions and there is one in the contract. We can modify that however the Trust is responsible for liability Verizon creates. If we get sued they protect us. That is not in here and he would like that in here, City Attorney Kuhlmann said.
- Paragraph 13 talks about interference with our equipment. They can't interfere with the PD frequency.
- If the tower is ever removed they will leave the footings. That becomes an "attractive nuisance" City Attorney Kuhlmann said and should be changed.
- The holdover provision is standard. They can holdover as long as associated with talks to negotiate. 90 days or 6 months. Some towers have come to maturity and are renegotiating the renewal of leases. They call two years before and a new lease goes in before the old expires.
- City Attorney Kuhlmann said he would like to see an incentive to get it finalized. 90 days or 6 months. 180 days is standard Mayor Chesnut said.
- First right of refusal is there for Verizon if we want to transfer that ground. City Attorney Kuhlmann explained they can offer on the premises and they have a right to buy that part if we were to sell for some reason. That could be a deal killer on the sale of the property if we wanted to do that. Or we could modify this agreement to deal with that. Verizon likes to be broad and that is the main intent and we can work on that clause.
- They can also sublet without our consent. Not too much of a problem there. Mayor Chesnut asked if we could record the lease. Yes, City Attorney Kuhlmann said and actually Verizon will do that at lease signing.
- Paragraph 29, the non-disclosure creates issues. Under GRAMA this entity is entitled to confidentiality so in essence it says we will do whatever we can for disclosure of information.

There was more discussion of the terms of the contract and other details that may become issues that will be cleared up. City Attorney Kuhlmann apologized for not getting the review done before the meeting. Mayor Chesnut said in his opinion we can't approve this tonight so it will have to come back next time. City Attorney Kuhlmann said he will work with Verizon to get the wording in order and bring the lease back on the next agenda for approval. Mr. Thurgood said tonight he needs the City Council's approval of the site plan before they can go on with their process and keep the project moving. They can continue the lease agreement to the next meeting or other future date. He needs approval of the layout tonight. City Manager Dotson said the site plan is good. The City Council is the "landlord" so they need to approve that. Council Member Harris said he has a client who has this type thing and it is a good revenue enhancer for the City so he gives a vote of confidence. Mayor Chesnut asked Mr. Thurgood what he needs tonight. For clarification they could make a motion saying the site plan is approved contingent on the agreement being reworked. They need site plan approval because they are going to begin the foundation engineering. **Council Member Harris made a motion to approve the site plan contingent on final approval of the lease. Motion was seconded by Council Member Stoor and all voted in favor.**

6. PUBLIC COMMENTS-none

7. COUNCIL/STAFF REPORT

Earl Gibson reported the crew is working in the shop and with things drying up a bit they are working on roads.

Chief Ames reported the PT officer we were sending to POST took a full time job with the County and bailed on us so now we are looking for a PT officer. He was the last candidate on our short list of previously screened candidates so we have to start over.

Ashley Horton reported she is paying the bills. Budgets are coming soon.

Mayor Chesnut said he attended ICCC today and the Rural Planning Organization meeting. One issue was emergency management wants to change community information support centers in our area. Those are places people can go to get information in the event of something like a pandemic or natural disaster. Right now the centers are in the high schools. The request is to change that to the elementary schools. The Enoch Library is a center too. The high schools are used as shelters so being used as information centers is too much for them. City Manager Dotson said this is mostly for pandemics and medical emergencies when the hospital will be full and people need to stay away and help themselves. They could go to the community support center for information about how to care for themselves. The churches (LDS) agreed with Enoch and the whole county that if there is no other source of help for some people the bishops would check on them. Mayor Chesnut said there was also discussion about WWI Centennial effort to try to get information on the 300 local men who served in WWI. Most have passed away. There is a push to gather stories on them and memorabilia for families. They would like us to help with that in Enoch. The local tax option came up again and the County Commissioners are not enthused. He reported on disc golf and told about the animal shelter and dog park. Several road projects are coming up like the expansion of Minersville Highway coming soon and starting later this year.

Council Member Johnson said he had the written statement he gave and it did name Alma Adams although Mike Swallow is who created the wage study.

Council Member Stoor said he missed the last Tree Committee meeting but plans for Cottonwood Park are moving along for this spring. The Rocky Mountain Power lines are being discussed this Friday and we hope they give us some help with this plan.

Council Member Harris reported the Planning Commission is still talking about R-1-11 and group homes so that is coming soon.

Council Member Owens said the EDC meets tomorrow night at 6pm with four members.

8. ADJOURN-Motion to adjourn by Council Member Harris. Motion seconded by Council Member Owens and all voted in favor. The meeting ended at 8:15pm.

Julie Watson, Recorder **Date**