

MINUTES
ENOCH CITY COUNCIL
May 20, 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
Nick Turner, City Atty.
Earl Gibson, Pub.Works
Jackson Ames, PD Chief-absent
Robert Dotson, City Manager

Public present: Michelle & Donna Pritchard, David Owens, Cassie Easley, Dilworth Armstrong, Officer Michael Berg, Officer Dustin Roy, Bill & Patricia Oor, Karl Stevens, Jared & Lisa Baker, Scott Leavitt, Jeff Thorpe, Spencer Jones, Kelli Lovell, Lisa & John Brown, Brandon Cox, Richard & Hillary Hollingshead, Elizabeth Boucher, Cody Mortensen, Denise Leavitt, Bob Graul, Jeff & Susan Lewis, Caryn Ann Wilhelm, Angela Walker, Sharissa Turnbaugh, Ryan Johnson, Connie Sauer, Allen Madsen and Carolyn Olenslager,

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Rasmussen at 6:00pm. He welcomed the audience and excused Council Members Lovell and Griffiths.

- a. **Pledge of Allegiance-**Led by Mayor Rasmussen
- b. **Invocation-**Audience invited to participate-Given by David Owens
- c. **Approval of Agenda for May 20, 2015-Council Member Johnson made a motion to approve the agenda. Motion was seconded by Council Member Wilcken and all voted in favor.**
- d. **Approval of Minutes for May 6, 2015-Council Member Wilcken made a motion to approve the minutes. Motion was seconded by Council Member Johnson and all voted in favor.**
- e. **Conflict of Interest Declaration for this agenda-**none stated

2. GEOCHEMICAL STUDY REPORT AND CONCLUSIONS-Carvel Allen & Joey Stacey

The study team introduced themselves saying the City funded their study with a \$5000 grant received from the Conservancy District. City Manager Dotson recapped the objective of finding out where our water comes from and where it goes. Some assume to know based on drilling but that is not conclusive proof. We had a hydrological study done which aided us in deciding where to drill the new well but that study gave us no information on the age of our water and where it flows. Other desert communities, like Tucson, AZ have done studies like this and have become very effective water managers. City Manager Dotson said these young men attend Success Academy at SUU. Carvel Allen's grandfather who is a hydrogeologist helped them to do the study. Cedar City and the Conservancy District will help to continue and expand a basin wide study. The whole purpose is to know who is affecting our water and who we may be affecting when a well is drilled. A power point presentation highlighted some of the technical details of the study. They theorize that ground water on different sides of the sub-surface geological features have different sources. They took samples from wells and streams and had them analyzed. They explained how they plotted the data to a known standard and they believe from the evidence that they found two different sources for the water in the Enoch valley. They told how they will continue this study by sampling agricultural wells that were not available when they began the

study. Mayor Rasmussen thanked them for the report adding we need further study to draw conclusions.

3. DISCUSS FINAL PLAT OF THE RIDGE SUBDIVISION, PHASE 11

Mayor Rasmussen asked City Manager Dotson if they have met all requirements and he confirmed they have. There was no other discussion.

4. RESOLUTION NO. 2015-05-20-A A RESOLUTION APPROVING THE FINAL PLAT OF THE RIDGE SUBDIVISION, PHASE 11

Council Member Olenslager made a motion to approve Resolution No. 2015-05-20-A, a resolution approving the final plat of The Ridge Subdivision, Phase 11. Motion was seconded by Council Member Johnson and a roll call vote was held as follows:

Council Member Griffiths-absent	Council Member Olenslager-yes
Council Member Johnson-yes	Council Member Wilcken-yes
Council Member Lovell-absent	Motion passed

5. PUBLIC HEARING ON TENTATIVE 2015-2016 BUDGET

Mayor Rasmussen asked for a motion to enter the public hearing. **Council Member Wilcken so moved. Motion seconded by Council Member Johnson and all voted in favor.**

Mayor Rasmussen invited the public to comment on the 2015-2016 budget which has been available for review. There were no comments.

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

6. DISCUSS 2015-2016 TENTATIVE FINAL BUDGET

Mayor Rasmussen asked for more discussion on the budget and there was none.

7. RESOLUTION NO. 2015-05-20-B A RESOLUTION ADOPTING A CERTIFIED TAX RATE AND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2016

Council Member Johnson made a motion to approve Resolution No. 2015-05-20-B, a resolution adopting a certified tax rate and budget for the fiscal year ending June 30, 2016. Motion was seconded by Council Member Olenslager and a roll call vote was held as follows:

Council Member Griffiths-absent	Council Member Olenslager-yes
Council Member Johnson-yes	Council Member Wilcken-yes
Council Member Lovell-absent	Motion passed

Treasurer Dan Jessen said the State gives us the tax rate at a later date and we don't know what it will be right now.

8. OPEN 2014-2015 BUDGET AND SET A PUBLIC HEARING FOR JUNE 17, 2015

Mayor Rasmussen explained it is necessary to open the current budget to make year-end adjustments within departments and we will also need to set a public hearing on it. **Council Member Wilcken made a motion to open the 2014-2015 budget and set a public hearing for June 17, 2015. Motion was seconded by Council Member Johnson and all voted in favor.**

9. PUBLIC HEARING ON CHANGES TO NUISANCE ORDINANCE

Mayor Rasmussen asked for motion to enter the public hearing. **Council Member Johnson so moved. Motion was seconded by Council Member Wilcken and all voted in favor.** Council Member Wilcken stated this discussion is in the early stages and some

recommendations from staff have been made. The Council would like public input because nothing is decided at this time and will appreciate any comments. Mayor Rasmussen invited comments on nuisance issues.

Donna Pritchard said she is concerned that the Chief said we have no resources to enforce the ordinances we have. What do we do about that? She suggested that when there are nuisances whether private or with more people involved we need to work for compliance rather than giving punishment. We need to talk to each other and try to work it out before it is a big issue.

Brandon Cox asked what the proposed changes are. ***City Manager Dotson said we need to consolidate nuisance items that are currently located in different places in the Code, define nuisances and take out things that are subjective in nature or that we do not have the will to enforce.*** Brandon said he is in favor of some City intervention on nuisances but not for the City to go on private property unless it is affecting other resident's property. He cited tough rules in West Valley City where things are taken to extremes adding we should not do that but should work with people to get remedies to problems.

Caryn Wilhelm said she is concerned with old junk cars and over grown weeds. It does affect property values and also the enjoyment of our area. We need to feel better about living in Enoch and we need to improve what we have. To push people to do basics of care is to enforce the ordinances to get a positive change. Post notice, talk to people and give a specific time and some support to do what is required and then penalties if there is no follow through.

Cassie Easley said she looked up the definition of a nuisance and she read it adding it is very broad. She took issue with a public body deciding what is an annoyance to them, making a law about that and then penalizing people if they disagree. She thinks that is an infringement on her rights. Enoch has lots of vacant properties with weeds. You can't do anything on others property and it is not her position to tell them how to keep their property.

There were no other comments. **Council Member Olenslager made a motion to end the public hearing. The motion was seconded by Council Member Wilcken and all voted in favor.**

10. DISCUSS CHANGES TO NUISANCE ORDINANCE

Mayor Rasmussen asked for discussion. Council Member Wilcken cited an example he got from talking to his son in prison who suggested we do away with the nuisance ordinance and make an ordinance that requires you have a BBQ each month. You have to attend and talk to your neighbors to work things out and that makes sense. The idea that we can as a body, decide what is right and wrong could be avoided if we communicated. Council Member Johnson said he appreciated the comments. Nuisance ordinances tend to be vague and arbitrary. He has looked at what other cities do and cited some examples of extremes that can happen in enforcement. We have to make sure this will not be abused. Council Member Olenslager said he agrees we don't want to tell people how to keep their property cosmetically but some things have to be dealt with by the City when it affects more than one resident. We have noxious weeds, flood control and safety issues that need to be addressed to protect the City from lawsuits and to protect employees. Mayor Rasmussen asked where we go from here.

City Manager Dotson said he would recap what has been suggested. Change the definition of a nuisance and only define a public nuisance which affects more than one person. Public nuisances can be more defined because that affects more people and is less subjective. He read from current code giving more details about things like public decency, safety and unlawfully causing water to be obstructed or creating a danger rendering three or more persons insecure and in danger. Weeds would only be regulated if they are weeds classified as "noxious" by the State. Council Member Wilcken said we are trying to get rid of things we can't enforce and make it compact and not redundant. City Manager Dotson said most everything will be consolidated in Chapter 13 leaving only dangerous buildings in Chapter 10. Some things are covered in State Code and we will repeat some of those. We don't have resources or the will to

enforce some things. If the Council so chooses we will abate only the most extreme nuisances and cover costs by liens on property. The International Building Code covers abatement of dangerous buildings. He asked that the Council give direction to staff on what they would like to have in the Code. Council Member Wilcken said there is no deadline and no rush on this and we want to get it right.

City Manager Dotson said he and Chief Ames suggest more than one public hearing. We get complaints every day and we try to talk to folks and help them through it. In many cases it works out. When we encounter those who don't want to comply then we have a problem and we have to have a solution. We have had a challenge for years. We are expected to enforce the ordinances we have and that is not currently possible. Residents have an expectation the City will address public nuisances.

City Attorney Nick Turner said there are ideological decisions to be made. There are people in this world who will not keep their property in a safe condition. As a City you need to have a mechanism to address those individuals due to safety issues such as weeds that are so high they pose a fire hazard. Hoarding situations are also a safety issue in fires. Some folks will not or can't do it on their own. You need to have some ability to do some things. There was more discussion of current problems and decided that a second public hearing would be held on June 17th. It will be noticed in the newsletter, website and on other social media.

11. PUBLIC COMMENTS

Lisa Baker of 4662 Half Mile Road said she wants to start out by saying she takes pride in her home and yard however she can't take pride in her street. She wanted to recap the history of what they have lived through. She read from Council minutes of 10-17-2004 about storm water diversion. The City is responsible for culverts and Earl was assigned back then to do something. The developer in the last phase of Trails West should have been made to do something. She read from other minutes in 2004 and noted things that have happened since then. In 2005 they removed their gravel and the property still floods. Earl was supposed to lower culverts and he shot the grades but never did the culverts. They have been living in a war zone for nine months. The road is not ready to be paved until it can be done correctly in all areas including culverts. She is exhausted by this. Water does not flow because it was not engineered correctly. It is not ok for her yard to get ruined every time it rains. It is the City's responsibility for drainage. The culverts need to be lowered and the City should do it. Residents are to maintain their own culverts but water has never flowed right. She said a previous City Council approved resetting culverts and it never happened. They are tired of band aids and no solutions. There is a lack of communication. For over a decade The City has laid this burden on residents and it is past time for the City to take proper action to fix the road right, compact the sewer line, re-grade and then replace frontage material which has been removed.

Jared Baker of 4662 Half Mile Road asked for everyone who lives on Half Mile Road to please stand and he counted over 20 people here tonight. This is not just the Bakers complaining. He said to this Council whether you inherited this problem or have been here a long time it is past time for open honesty and accountability. After 10 years of them bringing this up they are here again. The storm drain project and lack of compaction are causing issues. Paving now would be detrimental and a waste of resources. More prep is needed so the road will last. He cited items like the new sewer line on east side saying the lack of compaction is evidenced by the sinking. He cited many other issues. He said the City removed some driveway material, took photos and say they will replace it but there were many issues that were bad before this project started. Water can get into the new sewer line which will cause back-ups and damage and he will have great issues with that. The storm water is as bad or worse than before the drainage pipe was installed. He is a professional geologist and deals with this daily. Even compacted soils when allowed to saturate will fail. He gave many more technical details. He cited the City ordinance about storm water in

front of homes. He said if properly graded the roadway would work to carry water away in storms. Requiring each homeowner to maintain culverts when they were wrong to begin with is a problem. Having no true standard or enforcing the standard is a poor practice. It is past time to do the right thing and they have been more than patient for the City to fulfill their obligations. He gave a list of what needed to be done. There needs to be a standard of practice and then comply with it. Be honest with citizens. He is begging the Council to please do the right thing and do the promised things. Whether they inherited this issue or have been around for years they need to act.

Karl Stevens of 4734 Half Mile Road said Earl and City Manager Dotson come out yesterday to assess this settling. He received assurance that there is work to be done yet so he is confident and hopeful that things will be fixed so water is not going into manhole covers. He said when Utah Trail has flooded in the last few years the streets are shut down. He suggested detouring traffic two more streets down to make it safer. He added that the City got a million plus dollar grant and grants are required to have outcomes that are realized. He assumes that bid included to have things back as they were. He questioned if we have a status report of where this is at and asked the Council to comment on the status so far.

Ryan Johnson of 4759 Half Mile Road said he wanted to thank the Bakers. He respects his neighbors and all they have gone through. He wants the City Council to take note and to think about this because it is a highly visible issue. The solution will be too and if it turns out well people will notice but also the reverse is true. He wants this City Council to be respected and they should try to fix the problems.

Connie Sauers of 4476 Stagecoach said she does not know much history about this issue and who is at fault. She lives on Stagecoach and they got so much water that pooled the kids were knee deep. People went blocks around because they feared cars would be swamped. Stagecoach is an important street that goes in and out and if blocked with water that is a big problem. It is a City problem because it is not just water on people's property. If a huge lake is there from a minor storm and blocks traffic the City should look at that.

Lisa Brown of 4547 Half Mile Road said the lake of water was there for almost a week. It did not recede. The flooding was worse than the big storm in 2012 with less water falling this time. As a citizen she is frustrated as are all her neighbors in this area. It would be wise to make a long term fix and not waste money on little fixes. There are lots of frustrations not just the Bakers.

Allen Madsen of 4532 Utah Trail said he considered building on Half Mile but is now glad he did not. He was proud to live here until now and the people on Half Mile are owed something to fix this. We take care of each other and it is time for the City to take care of the people affected.

Denise Leavitt of 920 Homestead said on Homestead they flood too and have standing water for long periods of time. She said her water has been shut off twice for repairs and they did not get enough notice. A knock on the door at the time of the shut off is not good enough. They were told someone did knock and had they had some notice they could have been prepared for it. She asked for two-day notice. She said back in March she ran over the manhole that was broken on Midvalley Road and it was costly in repairs and car rental charges. She hopes Enoch will help pay for that. ***She was told to bring her receipts to City Manager Dotson.***

Elizabeth Boucher of 4711 Half Mile said there are lots of children living in this area and when the roads are flooded the kids are drawn to the biggest puddles. She expressed concerns someone will drown before we do something.

Cam Findley of 4680 Half Mile asked if the Council will be answering any of their concerns tonight. He cited the house on Utah Trail and Midvalley that floods in bad storms. The residents on Half Mile and Utah Trail are the ones who bail the City out of lawsuits when that house is flooded every time it rains. Flood streets should be properly designed and he is confident they can get a solution to solve this problem. The new drainage project did help his property in the last storm. He did see water going into the sewer line and that is unacceptable. He would take issue if raw sewage came into his house because of the sewer line being a drain in rain storms.

City Attorney Nick Turner said the Council cannot comment tonight because this is not noticed as an agenda item. Mayor Rasmussen said we need to use this time to the best of our ability. Honesty means a great deal for him and they want to do this right adding he understands the frustration. He would like City Manager Dotson to give report on the drainage project tonight and at the next meeting we will have this as an agenda item so we can tackle it head on.

Cody Mortensen of 4675 Half Mile said this is a tough job. He has been a construction manager before and it is not easy. The City needs to put something together and find good resources for how to fix this. Citizens want communication and to be talked to. They have had no updates on anything with the drainage system for months. Flooding is a major problem that does affect lives.

Richard Hollingshead of 4741 Half Mile said residents did not understand what this project was for. He heard it was to help solve flooding in heavy rains. There is a lot of misconception as to what this project was designed to do. He heard it was only to move water from Highway 91 and take it out into a field. That does not solve the problem in the streets.

Hilary Hollinghead said she would like a timeline because it is summer in two days and the road is not safe. She has been almost run off the road by drivers trying to stay out of the mud. They want notice of what is happening.

Angela Walker 4691 Half Mile said she has little girls who have almost been run over and she is not ok with that. Kids are not safe there. Her neighbors have been supportive in watching the kids but they could drown in puddles. She wants a safe place for the kids and it is not safe now. Please fix the streets.

Mayor Rasmussen thanked them for comments.

12. CORRESPONDENCE-none

13. COUNCIL/STAFF REPORTS

Mayor Rasmussen asked City Manager Dotson to tell about the drainage project. City Manager Dotson said after the August, 2012 flood he went out to seek resources to solve the issues that came into play. He contacted many agencies and found we did not qualify for aid because there is a threshold for damage and we did not meet that. He located the NRCS, Natural Resource Conservation Services. They got involved and had one million dollars to do a project. That was with a 25% match in cash or “in kind” labor within certain parameters. This was called an “emergency watershed project”. An engineering firm out of Idaho was hired to do all projects in Utah and they designed the project over 1½ years of work. This was meant to come up with solutions for what happened in the 2012 storm only where great volumes of water came from I-15 and Highway 91 running down through the neighborhoods. He gave more details of the two-part plan adding money issues dictated how much could be done. After prairie dog issues were mitigated which took longer than anyone could have imagined they finally got approval to dig. We did not have the equipment or expertise to do the work and we only had 180 days from start to finish. We contracted with Precision Pipeline to install only the pipeline. They were not hired to do the compaction. Watson Engineering was hired for compaction testing and McMillan Engineering oversaw the project. He gave more details of where the pipeline was laid and how the water was going to flow from the inlet structure on Highway 91 and Enoch Road. The prairie dog issues kept us from starting until winter and also we had a conflict with the sewer line on Half Mile. We had to put in a new sewer line to make room for the drainage pipes. We have been talking to Western Rock, Sunroc and Ashdown to get asphalt. Temperature is a factor in paving and we check every day to see if they are opening the batch plants. Earl said he has no bids back yet from any of the asphalt companies. In the meantime they met with the Bakers and walked Half Mile Road Monday night. Because we got a lot of complaints about how bad it was with the mud we went in and tried to put gravel down in an attempt to make it better for the winter. That may not have been the best idea because now we have to remove that gravel to do more

compaction testing. He told about plans for compaction testing on the new sewer line and checking the manholes. When asphalt becomes available they will put three inches down on the torn up parts of the roads and chip seal the whole road in the fall. We do chip sealing every 4 or 5 years and we use the special oil that lasts longer. That is the plan for the roads. There are budgetary challenges and very little money to do this. This road fix has nothing to do with the NRCS grant money. We are using B&C road funds and other funds to fix this.

We have a plan for Utah Trail, Quickdraw and Oregon Trail. Those roads have issues and we know that. It would be easy to put a pipe under the road however then the water goes to someone else's property. We need a long term plan to divert the water. When Half Mile is ready to be asphalted we will design it different. Blue Stakes has marked it and we took the culvert out and dug a bigger ditch to try to help Utah Trail to take that water into the culverts faster. Everything we do impacts something else and we have to get good solutions.

Council Member Wilcken said the Council took a stance and created the drainage enterprise fund which will generate \$42,000 a year that is earmarked for drainage projects. We have to figure out what does the most good for the most people with the least amount of money. We have to dig a longer ditch because we can't let the water go wherever it wants to. We have to plan it. He explained how the water flows out to the northwest. Council Member Wilcken said they are talking with a landowner to create a place where this water will end up. We can't give more details while in active negotiations regarding the land purchase.

City Manager Dotson said, regarding drainage in front of homes, there was a discussion of replacing the culverts in years past and that was not done. We can survey the grade that but that is not free. We have to work it into the plan. This City Council has to decide where the money comes from if we are to replace culverts in front of homes. How do we do that and pay for it not to mention engineering costs which are expensive too. The original intent of the storm drainage system was to take the volume of water that fell in the August 2012 storm and to move it through a pipe instead of having it run through properties. It was not designed to fix all of the storm water problems in Enoch. That would have cost millions more. We did not do the first stage of this project because it was too costly. Also we could not get the easements to put the water into ponds in private fields. He gave more details of additions that could be added if we had the money.

A resident said that was not communicated to the citizens. Most thought this project would fix things. Some people in attendance told him if you came to meetings you knew that. City Manager Dotson said this is same with everything. We try to communicate but people do not look at what we post to give information. They come to City Council meetings only when they are mad. We struggle with getting anyone to read things we post on social media and our website but will continue to try. There was more discussion about the issue of loss of gravity flow starting at Utah Trail where the ground flattens out. That is why drop boxes on Half Mile would not be effective. That is also why we had to use 60" pipe. Water does not flow that well through the flatter areas and definitely not as fast as we want it too. That is the nature of flat ground. The water is not moving fast enough and it pools in flatter areas.

Mayor Rasmussen said we will look at all possibilities and have this on the next agenda to discuss projects and timelines. The residents do deserve to know what will happen. Council Member Wilcken said City Manager Dotson has list of concerns and issues. The current budget is open now and money can be moved around. Staff will gather some estimates and information however the funding decision rests with the Council.

City Manager Dotson reported the Business Expo last Saturday was successful with 60 participants. Last year only 23 participated. He asked the Council if they want to consider a transportation resolution. The County is requesting input about putting the transportation tax increase on the November ballot. He said he knows they don't support a tax increase but this is to put the question on the ballot for residents to decide.

Council Member Olenslager thanked the public for their input. It boils down to money and time. We have financial hard times and it all affects what is going on. We did implement the storm drainage fee and that is a start but we have to address financial issues. He added he is hearing there are issues because of communication problems. He said the meeting minutes are on the website within a few minutes of meetings ending and he encouraged residents to keep up with news in the City by using those resources. We are using social media of all kinds to get information out to residents but they have to look for it.

Council Member Wilcken said these people are his friends and no likes to see anyone get hurt. He thanked them for coming and helping each other out in the floods. We pray for rain then deal with the consequences. We have had good neighbor efforts through the years and we need to keep it up.

Julie Watson reported the filing period for candidates will be June 1st through June 8th during regular business hours.

Mayor Rasmussen said he wanted to read a letter to the Council and residents. In the letter he cited his health issues and the need to resign as Mayor. He wanted to give notice in time for someone else to run to fill the remaining two years of his term. He said it is his intention to resign when a new mayor is elected and sworn in in January.

14. ADJOURN-Motion to adjourn by Council Member Olenslager. Motion seconded by Council Member Wilcken and all voted in favor. The meeting ended at 8:25pm.

Julie Watson, Recorder **Date**