

**MINUTES**  
**ENOCH CITY COUNCIL**  
**June 18, 2014 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Robert Rasmussen  
Council Member Destry Griffiths  
Council Member Steve Johnson  
Council Member Kirk Lovell-absent  
Council Member Mike Olenlager  
Council Member Gary Wilcken

**Staff present:**

Julie Watson, Recorder  
Dan Jessen, Treasurer  
Nick Turner, Asst. City Attorney  
Robert Dotson, City Mgr-absent  
Earl Gibson, Dir. Public Works  
Jackson Ames, Police Chief

**Public present:** Doug Jones, Donna & Michelle Pritchard, David Owens, Dilworth Armstrong, Tom Hansen, Weslie Graham, Tim Watson, Joy Meyer, Cathy Wentz, Carolyn Olenlager, Officer Mike Berg, Milt Laub and Caryn Ann Wilhelm

**1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Rasmussen at 6:00pm. He excused Council Member Lovell who is out of town for work and City Manager Dotson who is out of town for training today.**

- a. **Pledge of Allegiance**-Led by Mayor Rasmussen
- b. **Invocation**-Audience invited to participate-Given by Council Member Olenlager
- c. **Approval of Agenda for June 18, 2014**-Mayor Rasmussen said we did not receive the proposal information for item #7 and asked that the motion remove it from tonight's agenda. **Council Member Wilcken made a motion to approve the agenda with that change. Motion was seconded by Council Member Olenlager and all voted in favor.**
- d. **Approval of Minutes for June 4, 2014**-Motion to approve minutes by Council Member Olenlager. Motion seconded by Council Member Wilcken and all voted in favor.
- e. **Conflict of Interest Declaration for this agenda**-none stated

**2. RECOGNITION OF OFFICER MILT LAUB**

Chief Ames asked Milt to come up so we could thank him and recognize his eight years of service with gratitude. He presented him with a plaque. Council Member Griffiths said as a police officer he also gives his thanks for Milt's service and Mayor Rasmussen echoed that.

**3. PRESENTATION OF ULGT "TAP" (Trust Accountability Program) AWARD**

Mayor Rasmussen said this award is for complying with the ULGT accountability program for safety which involved training staff in safety awareness and procedures for a safe work environment. He added there have been no Workman's Comp claims this year which also helps to keep our insurance rates low.

**4. DISCUSS DRAINAGE POLICY**

Mayor Rasmussen asked the Council for discussion and if they have any proposals or changes for the policy. He referred to a letter sent by Tom Hansen who still has concerns about the drainage on 5250 North. There was a discussion of the issues in that area the main one being that home owners do not maintain their ditches as they are supposed to do. Even a minor rain

storm can result in flooding when ditches are clogged with silt and vegetation. It is a constant battle every year. There was more discussion of what responsibility the City has and what homeowners are required to do. Most not being aware they are supposed to maintain their drainage.

Mayor Rasmussen asked Tim Watson, our City Engineer, what we can do to make this situation better and about costs to do anything. Tim said it would be best to schedule a time with Tom, Earl Gibson and City Manager Dotson to discuss it. Some things could be done for erosion control and perhaps installing rip rap. Mayor Rasmussen asked Earl what he thought. He said ever since we put the culvert down Veterans Memorial it has carried most of the storm water with no problem. Only two really big storms ran out of the culvert. There was more discussion of specific issues to this area and Mayor Rasmussen said Tim Watson needs to be involved for a more permanent solution and so we can determine costs. Tom asked that ditches be cleaned out for now and that would help. Mayor Rasmussen said it would be good to have a permanent solution. Council Member Olenslager said it all boils down to money and that is always the issue. Do we set aside funding for projects or wait until there is a big problem and then try to find money for a "fix"?

Assistant City Attorney Turner reminded the Council this discussion is about current policy that deals with non-emergency and emergency blockages. Any policy we have needs to be followed and in talking with City Manager Dotson and City Attorney Kuhlmann the reason for this discussion is to clarify or possibly change the policy so the City is able to enforce the policy requirements. We are talking about two different things with Tom's problem. According to current policy we can't allow culverts to be obstructed so in emergencies we can act with little or no notice. However we need to enforce non-emergency blockages so they don't become emergencies. The policy has to be administered evenly and not just focused on one area of town. Tom's letter spurred this discussion tonight because he thought the City has the responsibility to keep culverts clean. According to the current policy homeowners have the responsibility to keep drainage flows clear on their property.

Mayor Rasmussen asked the Council if they like the policy as is or do they want to change it. Assistant City Attorney Turner pointed out the way the policy is shown it has been taken out of order from different parts of the Code. Overall the policy is good and the City is able to abate issues when needed and there is an appeals process. There was a discussion of the current process to get a culvert permit to change any drainage with Earl approving the plan so changes do not negatively affect neighbors. Council Member Johnson brought up a few points of semantics where words could be changed for clarification. Assistant City Attorney Turner suggested the Council look at the policy to be sure it is not overbroad and then it can be put into context and order. Officer Mike Berg said the PD takes a lot of weed complaints and they try to mitigate that thru the nuisance ordinance. Earl said the way the ordinance reads is that the homeowner is responsible to the edge of the asphalt not just to the edge of the property line. The City has not been heavy handed in the past and that has caused some problems. If the City has to do abatement there could be costs to the owner.

Mayor Rasmussen asked again if the Council wants to fine tune the ordinance. There was more discussion of wording and that five (5) days is not an adequate time frame for an appeal to be made known. It was clarified this is in regard to a letter of intent to appeal which must be given to get it on the agenda and that could take more than five (5) days. If it is not an emergency situation we could propose 30 days to state intent to appeal. Earl said we often only become aware of problems when we have a storm. They usually allow 30 days to remedy a problem however a non-emergency can become an emergency quite fast. Assistant City Attorney Turner clarified saying we are talking about two different things here. One is the notice of intent to file an appeal and the other is the time for mitigation of a problem.

Council Member Johnson said most problems have been here forever and he wonders why are getting heavy handed now. Assistant City Attorney Turner said this came up because there is a perceived threat to the drainage system which could negatively affect residents. If you are the cause then you are responsible for the costs if the City has to mitigate the problem for you. Council Member Johnson stated again most residents are not aware of their responsibility and the City would need to have a campaign in the newsletter and other social media to educate residents.

Tonight we are only discussing this and the policy will be reworked for some future agenda. Mayor Rasmussen asked again what changes the Council would like to see. There was more discussion of the wording and Council Member Johnson said it makes it look like flood irrigation is illegal which is not the case however you can't allow overflow onto other properties. Assistant City Attorney Turner said we are trying to make sure the Council is not liable. They just give direction to staff via the policy. There was more discussion of understanding the language. Assistant City Attorney Turner said it is almost impossible to draft it so all understand it the same way. We need to be concise but account for all the possibilities when drafting the policy so it makes sense. Council Member Olenslager said this has to do with enforcement and we don't want to be heavy handed but need to be fair. When it comes to manpower that is what we don't have enough of now. We could do more continuing education of property owner responsibility. Council Member Johnson said we should be good neighbors and talk to each other too.

Mayor Rasmussen recapped City Manager Dotson will rework the policy in a manner that is not heavy-handed but so we can get problems solved. The City will undertake an education process for residents. No action was taken.

#### **5. PUBLIC HEARING ON 2013-2014 BUDGET**

Mayor Rasmussen asked for a motion to enter the public hearing.

**Council Member Johnson made a motion to enter the public hearing on the 2013-2014 budget. Motion was seconded by Council Member Olenslager and all voted in favor.**

Mayor Rasmussen invited comments from the public. There were no comments.

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

#### **6. RESOLUTION NO. 2014-06-18 A RESOLUTION ADOPTING A REVISED BUDGET FOR THE FISCAL YEAR ENDING JUNE 30<sup>TH</sup> 2014**

Mayor Rasmussen asked for more discussion and Council Member Wilcken said he would like to have Dan hit the highlights for the public's information. Dan said there were no major changes. The direction he was given by the Council was to make "housekeeping" entries and to only make adjustments within departments. He was not to make any large changes without discussing them with the Council. We were over in revenue due to more building permits than we originally budgeted for which also affected impact fees. He detailed a few changes as follows:

- \$90,511 was capital projects funds not earmarked for any specific project moved to the savings general fund.
- The amount we have to pull from savings to balance the budget decreased by \$122,000 due to the capital projects adjustments and the fact that other revenues went up.
- We also adjusted salaries and wages between departments because the intended allocations weren't made at the beginning of the year. The auditors concurred it was good to make this correction. No actual payroll changes were made by the changes in this budget process.
- Adjustments were made to the "Benefits- Chief" line item because other offices benefits erroneously were coded to this line. In the past we have shown the Chief's salary and benefits separate from the other PD officers and that is not

necessary so that correction was made and next year they will be lumped together.

- We moved \$4000 in the liquor enforcement grant to use it in salaries as that is reimbursement for DUI shifts.

Mayor Rasmussen asked for a motion. **Council Member Johnson made a motion to approve Resolution No. 2014-06-18, a resolution adopting a revised budget for the fiscal year ending June 30<sup>th</sup>, 2014. Motion was seconded by Council Member Wilcken and a roll call vote was held as follows:**

**Council Member Griffiths-yes  
Council Member Johnson-yes  
Council Member Lovell-absent**

**Council Member Olenslager-yes  
Council Member Wilcken-yes  
Motion passed unanimously**

Mayor Rasmussen thanked Dan for his very hard work on this budget and for being so willing to talk with anyone who has questions. Council Member Wilcken said for the public's information Dan has created spread sheet tracking utility bills and it is very clear to see that growth in the City has caused increased costs to provide services. It is beneficial to see the trends. Dan said he hopes to apply that tool for better budget forecasting in the future.

**7. DISCUSS AND APPROVE CITYWORKS GRANT PROPOSAL**

Item removed from agenda. Information was not available for discussion.

**8. PUBLIC COMMENTS-none**

**9. CORRESPONDENCE-none**

**10. COUNCIL/STAFF REPORTS**

Council Member Johnson said he received some misleading junk mail from an insurance company trying to sell insurance on water service lines to homeowners. Earl said property owners are responsible for their water meters to keep them from freezing and for the water lines on their side of the meter to the house but this could be a "buyer beware" offer.

Dan Jessen reported we have had 25 registrations for the 5k-10k race and 10 for the family walk.

Earl Gibson reported the crew is patching potholes so please report any so they can be fixed.

There were no other comments from Council or staff.

**11. ADJOURN-Motion to adjourn by Council Member Olenslager. Motion seconded by Council Member Johnson and all voted in favor. The meeting ended at 7:20pm.**

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**Julie Watson, Recorder**

**Date**