

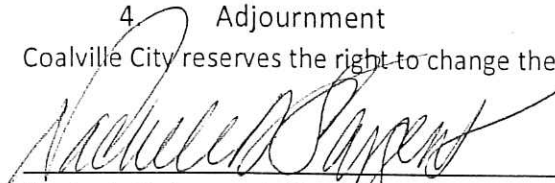


COALVILLE CITY COUNCIL
MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold an Emergency City Council Meeting on **Wednesday, the 11th day of January, 2017** at the Coalville City Hall located at 10 North Main Street. The meeting will start at **7:00 P.M.** The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
 - A. Discussion and Possible Resolution of Ditch issues
 - B. Council Updates
 - C. Mayor's Updates
 - D. Executive Session
4. Adjournment

Coalville City reserves the right to change the order of the meeting agenda as needed.


Nachele D. Sargent, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify the City Hall at least three days prior to the hearing to be attended.

Posted: January 11, 2017 City Hall, Utah State Website

Mayor
Trever Johnson

Council
Adrienne Anson
Cody Blonquist
Arlin Judd
Rodney Robbins
Tyler Rowser

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Coalville City Council
Emergency Meeting
HELD ON
January 11, 2017
IN THE
CITY HALL

Mayor Trever Johnson called the meeting to order at 7:00 P.M.

MAYOR AND COUNCILMEMBERS PRESENT: Mayor Trever Johnson
Councilmembers: Cody Blonquist,
Rodney Robbins, Tyler Rowser, Arlin Judd,
Adrianne Anson (Excused)

CITY STAFF PRESENT:

Sheldon Smith, City Attorney
Zane DeWeese, Public Works Director
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

Dena Judd, Wayne Judd, Mike Peterson,
Wilda Peterson, Carlos Gutierrez, Ed
Keyes, Carolyn McKeegan, Bob McKeegan,
Mark Giaques, Mark Marsh

Item 1 – Roll Call:

A quorum was present.

Item 2 – Pledge of Allegiance:

Mayor Trever Johnson led the Council, Staff, and Public in the Pledge of Allegiance.

Item A – Discussion and Possible Resolution of Ditch Issues:

Mayor Trever Johnson stated he had called this emergency meeting to discuss any potential problems and to try and come to some type of understanding of what needed to happen with the responsibility for the ditches in the City, particularly the Coalville-Hoytsville Ditch. He stated they needed to clearly identify a policy to create a foundation for everyone to work with. Mayor Johnson stated currently Coalville City still maintained their right-of-way for the Coalville-Hoytsville Ditch even though the Ditch Company had abandoned their easement. He stated the main reason the City had an interest was because of the storm water run-off. Mayor Johnson stated right now they were facing the same conditions as three years ago when several areas of the City flooded. Sheldon Smith stated currently Ordinance #1986-2 (Exhibit A) was in place and stated Coalville City had a right-of-way for the ditches and the property owners had the responsibility of keeping them clean. He stated if they wanted to change that, they would need to have a public hearing to adjust it. Councilmember Cody Blonquist questioned what was

classified as a ditch. Sheldon stated any ditch that was used to convey water. Councilmember Rodney Robbins questioned if they were talking about all of the ditches in the City or just this one area. Sheldon stated it included every ditch in the City limits. Wayne Judd stated he notified the City this morning about a dyke he had in Dexter Hollow where the water was very high and almost overflowing. He stated if it breached the dyke, there wasn't any place for the water to go. Mr. Judd stated it used to run into the ditch at the Keyes' property, but now that ditch had been filled in and there wasn't any where for it to go. He stated he had dug a trench today to have the water flow into the field owned by Flare Construction. He stated this wasn't a permanent solution, but felt it was his only option at this point. Wilda Peterson stated if the dyke overflowed, it would flood her house. Mike Peterson stated he had the same concern. He stated a couple of months ago, there was a meeting about this very thing and the ditches were supposed to remain open. Mayor Trever Johnson questioned if there was a culvert that ran across the road over to the other side. Ed Keyes stated there was a drain at Crandall's that was filled in and blocked. He stated he had informed Coalville City before that it was plugged and they came and cleaned part of it, but never came back and took care of it. He stated that was before Zane DeWeese was the Public Works Director. Wayne Judd stated Bronc Porter had put in about 100 feet of 30 inch pipe along his property and right now it was frozen and backed up. He stated when it opened up there wouldn't be any place for it to go since the ditch at the end of the pipe had been filled in. Ed Keyes stated they were pointing the finger at him, but someone had filled in the ditch below him and the culvert at his corral couldn't take all the water that comes down. He stated Miles Evans had filled in the ditch below him and it was also filled in at the Cotton Stream Subdivision. Ed Keyes stated if it did come down his mother's property would be flooded. Mayor Trever Johnson stated the ditch at the Cotton Stream Subdivision was culverted. Ed Keyes stated part of it had been filled in. Sheldon Smith stated when this was discussed at the last meeting, the consensus was for each property owner to take care of the water in their area, but it sounded like that wasn't happening now. Bob McKeehan stated none of the property owners had cleaned the ditch. He stated after the last flood he had hired Kip O'Brien to come and redo his ditch and fix the culvert, but no one else including Rocky Mountain Power by his property had done anything to clean the ditches. Ed Keyes stated they needed to consider if the ditches were opened up there would be a lot more water coming down into the town. Doug Wilde stated there was a little bit of water in the ditch in front of his house, but not very much. Wilda Peterson questioned if there was a ditch that crossed over by the Batt/Yates property. She stated the water needed to be run to there and then across the street. Doug Wilde stated the ditches across the street were private and that would just put the water running down onto his property and he didn't want that to happen. He stated the Coalville-Hoytsville Ditch ran behind the properties until it crossed over at Ren/David Wilde's property. Doug Wilde stated that was the point Ed Keyes was making. If all of the ditches were open, then the water would run down into town and end up at the McKeehan's. Bob McKeehan stated his culvert couldn't handle all the water and as soon as Spring was here he would be pulling it out. Sheldon Smith questioned if there was a way to keep the ditches filled in at the Keyes property, which may be good for Coalville, and still get rid of the water above

them. Wayne Judd stated the only way to get rid of it was by running it to the field like he did this morning. Mayor Johnson questioned if there was a way to get it across the road and who would it impact. Zane DeWeese stated it would run over to Justin Hobson's field. Sheldon Smith questioned if we would be legally entitled to run it across the road to someone else's property. He stated if it had been used before and was existing, then it would be okay, but otherwise the City wouldn't have the right to do that. Bob McKeehan stated all of those fields would still drain to the slew and right back onto his property. Ed Keyes stated there were drains in his field that ran under the freeway to the slew on the other side. Mayor Johnson questioned what would be the best answer to the problem. Wayne Judd stated he had felt the ditches needed to be opened back up so there was a place for the water to run, but after hearing the other concerns he wasn't sure if it would help or hurt. Doug Wilde stated his thought originally was to keep the ditches open, but now he felt it was just diverting all the water down through the town and the ditches weren't big enough to handle it. He stated with Frank Marcellin filling in his ditch, it had stopped a lot of the water coming down from Hoytsville and the next area of concern was the water at Dexter Hollow. Doug Wilde stated he felt now it would be better to keep the ditches filled in and open the culvert that ran across the road at Crandall's. Ed Keyes stated that culvert had always been there so that shouldn't be a problem.

Councilmember Arlin Judd stated there was still an issue because the water still had to cross private property at Flare's field and Crandall's to get to that culvert. Mike Peterson stated even if the culvert at Crandall's was fixed there was still too much water coming down for it to handle. Sheldon Smith questioned if the current ordinance to keep the ditches open should be abolished. Mayor Trever Johnson stated he felt they needed to stay with the ordinance right now and keep the ditches open. Ed Keyes stated part of the reason for the slew coming back over to the McKeehan's property was because of a dam for irrigation that was at the Adkins' property across the freeway. He stated the dam stayed in year round because it was too hard to put in and take out. Ed Keyes stated he didn't know if the City was interested in helping, but felt the property owner's involved might be willing to help put in a head gate there to open and let the water flow down past Camperworld and stay across the freeway. He stated that would solve a lot of water problems. If the water was diverted from the Coalville-Hoytsville Ditch across the road to the fields and under the freeway to the slew, it would relieve the water that was coming down into town. Bob McKeehan stated he would be happy to have that happen. He stated Zane DeWeese and his crew had come down first thing this morning with a pump and had saved them from being flooded. Mayor Trever Johnson stated he would put in a call to Rocky Mountain Power to see what could be done about the culvert that crossed in front of the McKeehan property. He stated they would be upgrading the substation there and it would be a good time to address the issue. Mayor Trever Johnson recommended maintaining the ordinance on file to address the current issue, to legally divert water ahead of Crandall's as a mid-term solution, and look at a storm drain system as the long-term solution. He questioned if they got the water across the road, was there a safe place for it to go without flooding someone else. Ed Keyes stated there was already a drainage ditch that ran half way through Justin Hobson's property and then crossed over to his property and under the freeway to the slew. Sheldon Smith stated they would

need to have all of the property owners involved agree to something like that. Doug Wilde stated there was also a ditch on each side of the Rails-to-Trails system that really needed to be cleaned and opened. He stated when the railroad owned it they kept it cleaned and taken care of. He stated as land owners they weren't allowed to touch them and they needed to be opened. He stated there was a State Park issue as well as a Wetlands issue with the ditches there. Sheldon Smith stated the City could address the issue with the State Park and he would be happy to get in touch with them. Wayne Judd stated there was still a problem getting the water across Flare's property to Crandall's. Carlos Gutierrez stated he felt the ditch should stay filled in like it was now. He agreed they needed to look at doing something up above to get the water across the road. Councilmember Cody Blonquist clarified the reason for meeting tonight was to decide whether or not to stay with the current ordinance with the property owners cleaning the ditch or abolish the ordinance and every man for themselves. Sheldon stated the difficult issue was if the City decided to keep the ditches open, would they enforce it to make everyone reopen them because it was against the ordinance to fill them in. He stated he didn't think the City should get rid of the ordinance or they may have some liability. He stated they could consider amending the ordinance to allow someone, like the Keyes', to fill in the ditch which may have helped the City, and if a reason could be shown why they should be allowed to fill them in then it could be approved. Mayor Trever Johnson stated the main purpose was to note the City wasn't liable for someone flooding their neighbor for closing the ditch off. Sheldon Smith stated it wouldn't be enough just to say the City wasn't going to be liable. We would need to enforce the ordinance and not allow anyone to fill in the ditch. Councilmember Rodney Robbins questioned if it was possible to keep the easement and require it to be opened if needed, if it would remove the liability. He stated it seemed to be better for some of the ditches to remain closed. Sheldon stated no it would not relieve the responsibility. Doug Wilde stated most of the ditches around the City had been filled in. Zane DeWeese stated it was a problem right now in the Indian Hills Subdivision where the Robinson Bros. Ditch had been filled in. Now it runs right down to the homes. Mayor Trever Johnson stated they could look at visiting the possibility of amending the current ordinance to allow the flexibility of filling in some of the ditches. He stated they would look at the options of improving the culvert that crossed at Crandall's to divert the water across the road to the Hobson property and look at a way to get it across the Flare property. They would also contact Rails-to-Trails about getting the ditches cleaned along there and the possibility of getting a head gate in across the freeway at the Adkins property. He stated he would also put a call into Chad Ambrose with Rocky Mountain Power to discuss the culvert issues by the McKeehan property. Mayor Johnson stated in the meantime, the City was staying with the current ordinance on the books and it should be followed and maintained. He stated if through this process they seen something that was causing a problem to please let him know.

Item B – Council Updates:

There were no Council updates.

Item C – Mayor’s Updates:

There were no Mayor updates.

Item D – Executive Session:

There was not an Executive Session.

Item # 4 – Adjournment:

A motion was made by Councilmember Tyler Rowser to adjourn the meeting. Councilmember Rodney Robbins seconded the motion. All ayes. Motion Carried.

The meeting adjourned at 7:47 P.M.



Mayor Trever Johnson

Attest:



Nachele D. Sargent, City Recorder

AN ORDINANCE RELATING TO DITCHES, CULVERTS AND OTHER WATER DRAINAGE ROUTES

WHEREAS, a problem exists in Coalville City with ditches, culverts, irrigation canals, gutters and other water drainage systems which are not regularly maintained, and

WHEREAS, it is in the best interests of the residents of Coalville City to protect against water damage caused by water overflowing water drainage systems,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Coalville, Utah, as follows:

1. Culverts Required. It shall be unlawful for any person or entity to convey water across any sidewalk, driveway or street within the limits of Coalville City, except in a covered culvert extending the whole width of the sidewalk, driveway or street.

2. Clogging Unlawful. It shall be unlawful for any person to deposit dirt or any other material in a ditch, culvert, irrigation canal, gutter or other water drainage system so as to clog the same, or prevent the free flow of water therein.

3. Cleaning of Culverts, Ditches and Other Drainage Systems. It shall be unlawful for any owner or person in possession of property within Coalville City having a ditch, culvert, irrigation canal, gutter or other water drainage system running through or bordering their property to fail to upkeep and clean said waterways.

In the event the owner or person in possession of property does not clean and maintain their ditch, culvert, irrigation canal, gutter or other water drainage system in a clear and unobstructed manner after personal or written notice to take the action prescribed in the notice to clean their waterways, Coalville City is hereby authorized to clean said water drainage system and the responsible owner or person in possession of said property is liable for the reasonable cost of said cleaning and repair. Provided, however, Coalville City shall not be required to give personal or written notice as set forth above in an emergency situation to prevent water damage resulting from obstructed water drainage systems.

4. Right of Entry for Cleaning and Repair. Officers and agents of Coalville City, upon presenting identification and stating the purpose thereof, shall have the right at all reasonable times and hours to enter upon all premises within Coalville City limits to clean and repair water drainage systems where the owner or person in possession of property has failed to do the same.

5. Penalty. If any person, firm or corporation shall violate any of the provisions of this Ordinance, either by doing any act prohibited or by failing to do any act required to be done, the same shall be guilty of a Class "C" Misdemeanor and may be fined \$299.00 or sentenced to 90 days in jail. Each day that any act continues shall constitute a separate offense.

6. Effective Date. This Ordinance shall be effective upon publication.

7. Mayor Approval or Disapproval. This Ordinance was passed and will become effective without the approval or disapproval of the Coalville City Mayor.

PASSED AND ADOPTED by the Coalville City Council this 2nd _____ day of June, 1986.

ATTEST:

COALVILLE CITY

Coalville City Recorder
(signature on original document)

By -----
James E. Burns, Mayor
(signature on original document)

COUNCILMEMBERS VOTING FOR ORDINANCE:

Kenneth C. Boyer
Phillip C. Bristow
Betty R. Crittenden
William M. Judd
Carsten N. Mortensen

