

# Town of Dutch John



P. O. Box 235  
Dutch John, UT 84023  
[www.dutchjohn.org](http://www.dutchjohn.org)

**NOTICE OF PUBLIC MEETING**  
**Dutch John Conference Hall**  
**Town Council Regular Meeting**  
**July 26, 2023 7:00 P.M.**

## MEETING AGENDA

### CALL TO ORDER / PLEDGE OF ALLEGIANCE

**ATTENDANCE:** Sandy Kunkel, Amy McDonald, Al Pulham, Trevor Brooksby, Harriet Dickerson, Terri Winn, Butch Johns.

### 1. CONSENT AGENDA

**1.1 Minutes of meeting:** July 26, 2023

**1.2 Business Licenses:**

**1.3 Expenditures:** Longhorn Construction \$775.00 (airport road grading), Mike Harrington \$385, Dennis Judd \$824.40, Utah Local Government Trust \$4,856.36, High Country Sanitation \$2,158.00

**1.4 Correspondence: Corey Auger, Fire Warden.** Mayor Kunkel advised that Mr. Auger sent out a notice that the Fire District is going to restrict fireworks on the unincorporated portions of the County and requested Towns to do the same. As the notice came so late we filed a document supporting the restriction of the unincorporated portion of the County.

Mayor Kunkel also received notice that State Parks is purchasing some ground from the RDA to build housing for their employees.

**1.5 Cicada Cove Escrow Release Funds – Cicada Cove LLC Revised Disbursement #4, \$42,249.00**

Mr. Brooksby moved to approve the consent agenda with corrections to the Minutes. Ms. Winn seconded. Motion passed unanimously.

### 2. PUBLIC COMMENT.

### 3. OLD BUSINESS

**3.1 Street Sign Improvement –** Mr. Pulham visited with Tat. Mr. Brooksby noted that we may not have all the signs we need on the list to get a final count. We have a price but not the quantity. One of his concerns deals with the posts and the hardware to mount them. If we don't change out our posts we need to be sure we have the proper hardware. If we replace them all then we need someone to do this work. Mr. Brooksby believes we need this to be a contract of some kind to do this project. This will be tabled for further information. Two questions are: Is there mounting hardware for the street signs. Do the posts come with the base. Mr. Pulham believes the posts come with a base. Because the company is on the State approved list, it meets the procurement requirements and we do not need to put out an additional bid.

**3.2 Need for a Maintenance Person – Discussion and Possible Action.** Long discussion of needs followed – watering at the Fire Station. The cross connection Code was brought up and Mr. Brooksby informed the Council that if you go to a store and purchase new equipment, it will most probably meet the Code. Weeds, spraying, improvements to the Conference Hall and road maintenance all were mentioned. There is general agreement that hiring a part-time maintenance is probably our best avenue. Mr. Pulham said it is difficult to do maintenance without some type of maintenance staff.

**3.3 Planning & Zoning Commission Ordinance Revision – Discussion and Possible Action.** It was discussed that although a five person commission is best it is necessary to have a quorum to have a meeting and the five member is not working- at least at this time. After further review of the proposed Ordinance, Mr. Brooksby moved that we accept the Town of Dutch John Planning Commission Ordinance 2023 -- with the numbers inserted at our next meeting be approved. Mr. Pulham seconded. Motion passed unanimously.

**3.4 Purchase of Used Office Furniture from Dennis Judd – Discussion and Possible Action.** Mayor Kunkel said we purchased 3 desks, a 10 ft. mahogany table, 8 chairs, 3 book shelves, and a few miscellaneous items. The problem is getting the furniture here. She explained what she has tried and asked for suggestions. Mr. Brooksby is available tomorrow or Friday to help if we do the U-haul rental. Friday is the best option. Mayor Kunkel will make the arrangements. Thank you.

#### **4. NEW BUSINESS**

##### **4. 1 Requests from the new Town Attorney Regarding Operations:**

**A. Review of Bid Approval for Lawn Maintenance – Discussion and Possible Action.** When we put out the bid it was advertised as a contract – 1099. Ashley submitted a W-2 form so Amy changed to employee. Council needs for this to be changed back to contract. This will be done.

**B. Discussion for Scanning Town Documents – Discussion and Possible Action.** ~~Our new lawyer is very digital and would like us to have all our documents scanned so can be put on flashdrive. He would also like access to our shared drive for reviewing documents. Ms. McDonald will do this. She can also scan documents using the school scanner so there is not a need to hire someone in Vernal to do this. We also believe a lot is already scanned. We will pursue this matter. Mayor Kunkel asked if members have documents in their possession, please submit them for scanning. Ms. Dickerson has the files of Mr. Judd and they should probably be scanned and kept in their own filing cabinet.~~

**C. Finalization of Morton Issue – Discussion.** Mayor Kunkel sent members what the lawyer has. He is asking if anyone has any information relating to this to please come forward. Mr. Johns was on PnZ at the time. Mayor Kunkel said the documents we have do not discuss a number for the height. Mr. Johns said PnZ made it clear that Mr. Morton had to follow the rules of the Ordinance and that is sufficient. Ms. McDonald said she has copy of plans submitted and will look. The question of whether the 25 ft. was allowed or not. Mr. Johns said following the Ordinance was made clear and the individual is responsible for all the work done according to the Ordinance. Ms. McDonald also said, no one goes out and measures things unless they believe there is a question. Mayor Kunkel said it is possible that we didn't follow our own Ordinance. That's where we are at. Mr. Johns doesn't have any documentation. Ms. McDonald will review her documents. It was applied for in May and our Ordinance changed in July. Another issue.

**D. Who is Allowed to Communicate with the Attorney on Town Issues – Discussion and Possible Action.** Mayor Kunkel said sometimes we get residents who feel they can call our Town lawyer. This is not acceptable. It was decided that the Mayor will be the liaison for the Town. It was agreed that the Chair of PnZ could call and perhaps Allen Parker. Mr. Pulham said we could ask the person answering the phone to determine if the call is from the Mayor, the Chair of PnZ, and Allen Parker and if not, refuse to put the call forward. It is possible for the Mayor to call ahead and make arrangements if necessary. Mr. Brooksby move that the Mayor or the PnZ Chair are allowed to initiate conversations with our attorney. Mr. Pulham seconded. Motion passed unanimously.

**E. Develop an On-Going Right-of-Way Agreement for major utility companies for current and future services – Discussion and possible action.** Mayor Kunkel said this came up because Strata is putting in a new line and are needed an encroachment permit. Our attorney feels the Town should have a document to cover these types of situations. Mr. Brooksby moved that we ask our attorney to get documents for right-of-way issues that will come up. Mr. Pulham seconded. Motion passed unanimously. Discussion followed regarding the work being done by Strata. They are relocating where their system is currently and that is all that is being done.

**F. Election Law Regarding Eligibility for Candidacy – Discussion.** Mayor Kunkel said the issue is that Amy is a paid employee and the question is that being true can she still be a member of Town Council. The answer is yes but care must be taken with votes being taken to ensure not a conflict of interest. Our attorney also sent a copy of the code for elected officials. This is for everyone's information.

**G. Possible Ordinance Allowing the Mayor to Enact an Order in Emergency Situations Necessary for the Safety and Wellbeing of the Community – Discussion and Possible Action.** This came about because of our inability to timely respond to situations similar to the recent Fire Restriction request to ban fireworks. The Council felt this is a good suggestion. Presumably the Ordinance will give the Mayor the authority and the decision will be ratified by Town Council at its next meeting. The recent fire at Mustang is also another example of emergency situations which would be covered by with a document. Mr. Pulham moved that we approve an Ordinance be written giving the Mayor the authority to act in emergency situations for the benefit and welfare of the community. Ms. Winn seconded. Motion passed unanimously.

**H. Review of Western Rivers Occupancy of Town property – Discussion and Possible Action.** Mayor Kunkel said it has been brought to our attention that we should have dealt with this situation before now. We will ask our attorney to write a letter to Western Rivers stating we are ending the lease as of the end of October 2023. The Council will review the letter prepared by our attorney and then approve it during Town Council meeting.

**4.2 Planning & Zoning Administrator, Allen Parker Requesting a Work Day on a regular basis in Dutch John – Discussion and Possible Action.** Mayor Kunkel said our PnZ Administrator, Allen Parker is requesting a work day on a regular basis in Dutch John. He is thinking a Wednesday so he could stay for Town Council if necessary. The number of hours is still a discussion. His fee is \$48.00 an hour. He will also be the inspector for the work of Matt Lucas's project. He would also be accessible for discussion with PnZ about building permits or other issues. He will need a computer. Mr. Pulham discussed the possibility of use of the Fire Station as well if more privacy is needed. Mr. Brooksby asked about number of hours. Mayor Kunkel said not specifically, but as needed. Mr. Brooksby is asking if we are authorizing a certain number of hours. Mr. Parker asked about our budget - and we would need a number of hours to figure that out. Travel hours could be paid at the federal rate and then the \$48.00 for work not travel. It would be four days a month. Those numbers - 8 hrs. a day 4 days a month amounts to \$18,000 a year. Ms. McDonald said that is how we pay Matt Tate - a different amount for mileage. Ms. McDonald said the PnZ budget has \$10,000 budgeted.

## **5. MEETINGS / TRAINING / INFORMATION REPORT OUT**

**Review Meeting Calendar - LEPC tomorrow.** Mayor Kunkel said we need to get our phone log in order. Ms. McDonald said something like the Remind used by the school might work. Cell phones are probably the most efficient way to deal with this. Mr. Brooksby said phone companies have some rules regarding these kinds of notifications as well. We will pursue.

**Volunteer Fire Department – J. Guymon** Chief Guymon said the fire has renewed the enthusiasm of the men. They did a great job and it was an excellent training experience. We were the first responders and Jayden was in charge for the USFS. Discussion of all the conditions encountered during the fire situation were reviewed by Chief Guymon. Camp was set up on school district property. Mayor Kunkel said we are eligible for reimbursement for costs incurred. Chief Guymon will take care of the paperwork involved in this process. Mr. Pulham wanted to give public credit to the men who were the first responders - our Town is very grateful for them for their efforts. Mayor Kunkel asked about the burn pile and this will be undertaken in the fall when cooler weather exists. Officer Issacson also is designing an emergency full scale exercise for everyone next April.

### **Chamber/Tourism/Entry Signs –**

**Planning & Zoning – A. McDonald** - Ms. McDonald said there are some issues still with the Guide Row property. We have one building permit application from Bryan Hunt. Some surveying will be needed. Mr. Brooksby said it is not out-of-line for the Town to request the validity of the property corners. A second concern is although it may be possible to utilize the existing trailer until the new house is built, there needs to be a procedure for ensuring that at

that time the trailer is removed. Mr. Brooksby also remarked that water/sewer issues will be involved. A review of some conditions known to be in the Participation Agreement were shared.

**Roads/Trails – T. Brooksby** Mr. Brooksby reported on the good work being done by Longhorn on the Cicada Cove project. Mr. Brooksby also got bid for cleaning out storm ditch on 5<sup>th</sup> avenue - about \$2,000, Another quote to hide the ditch all the way to the Parks property and that is about \$60,000.00. He can get another quote from them to get the ditch to drain properly. Mr. Brooksby will create the bids for this project. It may take the Procurement process.

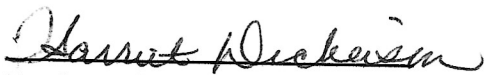
**Buildings/Grounds.** Mr. Brooksby asked if there was any information from the biking group that asked about utilizing the building. It was approved. Ms. Kunkel hasn't heard any more from them.

Mayor Kunkel knows of a Massey Ferguson tractor that is for sale and wondered if this equipment is something we should consider purchasing. The cost is \$25,000.00. Ms. Winn explained the attachments that are included, among which are a bucket that could be used for snow removal. Some pros and cons were reviewed. Everyone agrees we need equipment but whether this is the best way to spend this money is debatable. This lead to further discussion about an MOU with the County Water Department for use of the backhoe.

**Cemetery Board – T. Winn** Ms. Winn reported they sold three lots – one to a Dutch John who is the first born boy in the old Dutch John Hospital. One of the trees died and they have purchased another one. Ms. McDonald asked if people purchasing lots make their checks out to Town of Dutch John/Cemetery.

**Freedom Festival July 1, 2023 – S. Kunkel** Mayor Kunkel was asked "What happened to the finale" and the answer, of course, is money.

**Mr. Brooksby moved to adjourn; Ms. Winn seconded. Meeting adjourned at 9:40 p.m.**



Harriet Dickerson, Clerk