



Regular City Council Meeting

Minutes

Tuesday, June 25, 2024 at 6:00 pm

AGENDA

A regularly scheduled meeting of the Duchesne City Council will be held at the Duchesne City Office Building, 500 East Main, Duchesne, UT at the above date and time. The agenda will be as follows:

1. Roll Call, Prayer, Pledge

Minutes:

Mayor Rowley conducted the meeting. City Recorder, Myra Young, took minutes. City Council Members present were Bryce Hamilton, Danny Peatross, Jenny Adams, Cody Ivie, and Jason Baker. Council Member Ivie offered the prayer. Mayor Rowley led the Pledge of Allegiance. Public Attendees: Lane Genereaux, Stephen Rowley, RoJean Rowley, Kim Hanson, Jodi Reinhardt, Debbie Fabrizio, Heidi Brady, Dawnnette Browning, Cole Harris, Janet Jenkins, Mike Reinhardt, Melinda Larsen, Shelly Brennan, Angie Butler, Adam Butler, Olivia Baker, Danita Hinton, Susan Hamilton, Cana Ivie, Mark Nielsen, Lynn Hamilton, Mel Tanner, Deborah Herron, David Herron.

2. Minutes

Minutes:

MOTION by Council Member Adams, seconded by Council Member Peatross to approve with requested changes the minutes from June 11, 2024.

- Council Member Hamilton - Aye
- Council Member Peatross - Aye
- Council Member Adams - Aye
- Council Member Ivie - Aye
- Council Member Baker - Aye

Motion carried by unanimous vote.

3. Business License

Minutes:

There were no business licenses brought before the Council.

4. Approve Compensation Ordinance 24-1

Minutes:

MOTION by Council Member Hamilton, seconded by Council Member Ivie to approve an ORDINANCE OF DUCHESNE CITY ENACTING COMPENSATION FOR ELECTIVE AND STATUTORY OFFICERS KNOWN AS ORDINANCE NO. 24-1.

- Council Member Hamilton - Aye

- Council Member Peatross– Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

5. Approve Budget FY 2025

Minutes:

The Council discussed the Budget FY 2025, the bowling alley still needs to be removed. Council Member Hamilton motioned to open the floor to public comments.

- RoJean Rowley addressed The Council, she would like to know the following. 1) What is included in the Airport Rentals, such as who pays for airport rentals and pricing, including how much Mayor Rowley pays for the city owned large hangar. She also wanted to know if Mark Johansen parks a camp trailer during the summer months, is receiving city water/sewer and if he is paying rent. Mayor Rowley addressed the questions presented with the following answers. Budget Line Item – Airport Rentals represent hangar rental fees. There are five renters. Rent is based on .12 ¢ a sq ft., hangars vary in size. Mayor Rowley pays \$600 a year, which is twice the amount, it is calculated at .24 ¢ sq ft. Mark does park his camp trailer there, there is no rental fee and no city water/sewer hookups.
- 2) What is included in the Rent of Public Property. It was undecided what this was. She asked if the city ever received rent money from JRJ for leasing the city property for their gravel pit, and now they are out of business. It was discussed that there was no rent money collected due to the lack of a survey being completed to determine the quantity of material. The lease was based on royalties by the yard and was due to be done back in January.
- 3) Why in Fire Travel and Training they only used \$4,600 but are budgeted for \$21,000. It was undetermined why it was so high.

• Janet Jenkins addressed The Council; she would like to know about the Police Contract Services. Mayor Rowley and The Council stated the city does not currently have an additional coverage contract in place with the county but is actively working on securing this. The money continues to be budgeted for this line item for when the contract is back in place, and it will cover additional patrol. During discussions with Sheriff Tucker, it was determined that Duchesne City may not have been receiving the additional services we were paying for, so the contract was pulled until we can get a clearly defined service contract back in place. Duchesne City continues to have the basic police coverage, the same as all the surrounding areas.

MOTION by Council Member Ivie, seconded by Council Member Adams to approve the BUDGET FOR FY 2025.

- Council Member Hamilton - Aye
- Council Member Peatross– Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

6. Approve Amendment to Title 2, Boards and Commissions, Chapter 1, Planning Commission Ordinance 24-2

Minutes:

MOTION by Council Member Baker, seconded by Council Member Peatross to approve AN ORDINANCE BY THE CITY COUNCIL OF DUCHESNE CITY TO AMEND TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 1, PLANNING COMMISSION, OF THE DUCHESNE CITY MUNICIPAL CODE KNOWN AS ORDINANCE NO. 24-2.

- Council Member Hamilton - Aye
- Council Member Peatross- Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

7. Approve Accessory Dwelling Unit Ordinance 24-3**Minutes:**

MOTION by Council Member Adams, seconded by Council Member Baker to approve AN ORDINANCE BY THE CITY COUNCIL OF DUCHESNE CITY IMPLEMENTING AN ACCESSORY DWELLING UNIT MUNICIPAL CODE KNOWN AS ORDINANCE NO. 24-3.

- Council Member Hamilton - Aye
- Council Member Peatross- Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

8. JUB - Kim Silvester Yearly Contract/Airport**Minutes:**

MOTION by Council Member Hamilton, seconded by Council Member Ivie to approve the renewal of the Yearly Airport Contract with JUB.

- Council Member Hamilton - Aye
- Council Member Peatross- Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

9. Alleyway behind Donny Grant - Bryce Hamilton**Minutes:**

Council Member Hamilton reported on cleanup efforts performed by Donny Grant on the city alleyway behind his home. Donny is requesting the city remove the debris that was cut down and if reject sand could be brought in and spread in the alleyway. Lane Genereaux, Public Works Director responded, they will take care of this for him.

10. Follow up Hogan RV Park - Jodi Reinhardt**Minutes:**

Jodi Reinhardt addressed The Council and Mayor Rowley to have a follow up session on what she presented at the last City Council Meeting, where Mayor Rowley was attending via telephone.

She explained that she presented her concerns to Planning & Zoning first and they advised her to present those concerns at the next City Council Meeting. She did not know that Mayor Rowley would not be in attendance when she asked to be on the agenda.

Mayor Rowley indicated he does not believe the new ordinances that Planning & Zoning are putting into place are effective to a business that is actively in place and grandfathered in. Jodi referenced the fact that the Ordinances for Manufactured Housing and Recreational Coaches were established in 1999. Mayor Rowley bought the park in 2009 and his state entity was put into place in 2012.

She referred to Ordinance 3-1-7 Transfer of License Prohibited. Mayor Rowley stated he did not transfer. During former Mayor RoJean Rowley's mayoral term, he, 1) applied and paid for a new building permit, 2) she required him to provide a site drawing, which included the sewer, water, and electrical design, 3) met with Planning & Zoning Commissions, who approved the drawing, 4) the city building inspector, Jimmy Lisonbee passed all inspections. The former Mayor and former City Council approved his business license application when he applied. Along with year after year Duchesne City had and is still reissuing a renewal on this business license.

Council Member Ivie discusses one of the issues being brought forward is the business license was approved in 2012 as a trailer park by The City Council at that time. Council Member Ivie agrees there is non-compliance with some ordinances, the tough part for the current Council is going back and revoking a business license that was given under a previous mayor and the fact of continuing to renew the license year after year. Jodi refers to ordinance 3-1-12 Revocation or Denial of License.

Council Member Peatross defined ex post facto law. When you have something that is grandfathered in you cannot pass a law that will inhibit how it has been functioning.

Council Member Ivie stated Tri County Health has been contacted but is unsure why they have not performed a health inspection. Mayor Rodney Rowley had spoke with Fire Chief Young and asked him if he could perform a fire inspection and inquired what he would be inspecting, Fire Chief Young's concern was to what code, there is currently no Duchesne City Fire Code for RV Parks. Mayor Rodney Rowley inquires why Jodi thinks she can shut down someone's business. Jodi stated she is not trying to shut it down; the business needs to be following Duchesne City Ordinances that were in place when the business license was issued. Mayor Rodney Rowley states again it was approved for an RV Park by former Mayor RoJean Rowley.

Council Member Ivie asked former Mayor RoJean Rowley why The City Council at that time (2012) would have approved the business license. Former Mayor RoJean Rowley indicated they red-flagged him for the electrical. She has requested to see the building permit from The City Office, it cannot be found. Council Member Ivie stated the former City Council approved the business license in 2012. Former Mayor RoJean Rowley said she did not know if they did because the building permit cannot be located. Council Member Ivie stated he has had a business license since 2012, so it clearly had been issued.

Council Member Ivie wondered if a fence built around the RV Park would appease some of the issues. Jodi indicated that is only one of fifteen violations and just because the license was issued in 2012, should that exempt him from abiding by these ordinances now.

Stephen Rowley stated when he sold the property to Mayor Rodney Rowley it was not a trailer park. Mayor Rodney Rowley disagreed; the property was sold to Clint Peatross who had trailers

on it in the 80's.

RoJean Rowley addressed The Council and stated the following. Stephen Rowley always owned the property and Keith Rowley needed to obtain a loan, so Stephen removed his name so Keith could get the loan. The property reverted to Stephen and there was not a trailer park there when it was sold to Clint Peatross.

Lynn Hamilton addressed The Council and stated when Clint Peatross owned the property there were three to four trailers on the back half, east end. Lynn installed the sewer and water. Stephen Rowley disagreed.

Council Member Ivie asked for clarification, is the request for him to vacate the property and it ceases to be a trailer park. Jodi answered no, she is asking that he comply with all Duchesne City Ordinances for a RV park.

Jodi and Shelley Brennan, County Recorder provided The Council the following: Duchesne County recording, City Council minutes and a map of the Jensen's alleyway when vacated in 2014. There is no known record of the alleyway through Hogan RV Park being vacated. Council Member Peatross read the county recording. There was discussion of the alleyway at Hogan RV Park being blocked off by trees and a parked car.

There was discussion about where the tenants of the park are accessing 300 E and Highway 40 and if this is a legal access. Jodi feels this is a safety concern as she has almost been hit many times at these locations and believes it is the owner's responsibility to ensure safety at the RV Park. Mayor Rowley stated if we want to address traffic safety, what about the 18-wheeler that parks at Jodi's residence. He indicated Highway 40, 87, 191 and 400 S are the only roads that have been approved for commercial truck use. The Council Members backed up this statement and referenced Ordinance 6-1-4. Mayor Rowley has spoken to many that are in violation of this ordinance.

Angie Butler addressed The Council she wants to know why there was a business license issued when there was never a fire code in place. She is concerned about safety and questions if the city will be working on implementing a fire code. There was discussion about RV park fire codes, Chief Young had informed Mayor Rowley one of the concerns is with propane tanks on an RV, they must be removable and not filled on site. The Council has spoken with Chief Young about adopting the International Fire Code, he is currently looking into this.

Jodie stated there are three references in city ordinances that state that an RV park should not affect the integrity of the surrounding areas. She feels it directly affects the property value of her home.

Council Member Peatross stated what effects property value here locally is the boom bust cycle with the oilfield, second when an appraiser appraises a property, they must find comparable homes even if that means they must go into the next city, or town. By law they cannot judge/appraise by what is in the neighborhood, that is not a fair comparable to the property being appraised. Jodi feels even if the appraisal came in reasonable the buyer is going to look around and be deterred by the Hogan RV Park. Council Member Peatross stated Duchesne City Government is not a homeowner's association nor is it the duty of The City to maintain property values. He states that the Utah State Constitution and US Constitution supersedes any state code, county code, city code that violates the rights of individuals. Any public official who has taken the oath of office is to adhere to this and protect those rights.

Council Member Peatross explained what a negative easement is. It is purchasing the right from the property owner to be able to control the way that property looks. These government entities at the state level know they cannot force an individual to change the look of their property. Jodi wants to know, where does The Constitution say that an individual's rights supersede that of a city government.

Jodi asked what the duties of The Council as officers of our city are. Council Member Peatross answered to enforce laws and resolve issues. Jodi states you were elected by the people for the people. Council Member Peatross stated this group here tonight does not represent all the people. Mayor Rowley asks what about the tenants that live in the trailer park's rights. Council Member Peatross indicated elections will be coming up and has considered turning in his resignation for several years as this is not a fun job. One reason he is on City Council is the fact he does not like bullies. Jodi asks if he thinks she is a bully because she wants him to uphold his oath of office. There was discussion about health and safety issues, and they need to be pursued to protect the health and safety of the public. Mayor Rowley agreed with the health and safety issues. He addressed Jodi regarding the health and safety concerns, he is willing to make any changes she sees fit. Jodi stated she wants The City Ordinances upheld. Mayor Rowley responded she does not understand most of the ordinances. Mayor Rowley asked for a list of her health and safety concerns. They are as follows: outside refrigerators, the plywood enclosed trailer, to see the original plan design that was submitted and how many are felons. Rodney stated that most of them are felons, and some have just recently been released from jail. Most everyone who lives there is on probation, he asked if she has a problem with that. She indicated that the ordinance states a felon living within 400 ft of other residents must notify them of their status. Mayor Rowley asked if she wants him to deny anyone who is a felon to be allowed to live here in Duchesne City. She is concerned for her grandchildren when they are walking around, especially if they are a pedophile. Mayor Rowley indicated if they were, it is the law they must register in the sex offender database. He asks, where does the responsibility fall, on a private property owner, a business owner or Mayor to find out if they are a felon. Jodi stated there are other things besides health and safety she needs Mayor Rowley to do. She needs him to uphold the ordinances that he was sworn in office to do that are under his responsibilities and stop side stepping these responsibilities. Jodi states Mayor Rowley nor The City Council, seem to uphold the Duchesne City Ordinances.

Public Comments are as follows. - Mark Nielsen - This seems like a simple request by your neighbors to clean up the RV Park. Jodi lives nearby, we all drive by, just clean it up. Mark indicated he is sure Sid's tent, and the Chevy van was not a part of the original plan that was submitted to obtain the business license. As a neighbor and as a city citizen just clean up the property.

- Heidi Brady - She has a lot of respect for some of the officials and has lost some of that respect. They should have integrity as leaders of the people, and she is teaching her grandkids to respect the leaders of the community. But, if they cannot stand up for what is right and uphold the laws, they should not be here. She is saddened by what has been going on.
- Rojean Rowley - She has an issue with paying over \$90 a month for water/sewer/garbage. Mayor Rowley is paying \$250 – \$260 a month total for eighteen trailers. Why should those tenants who are living there year-round not have to pay the same as she does for those

services. Harrison Rentals had to pay for each of those services. It does not seem fair and if you add up all those years, it accumulates to a large sum of money.

- Debbie Fabrizio – She has concerns for the safety and well-being of the citizens who reside in Duchesne City. Especially individuals who may need additional assistance, such as financial, mental health or just a chance to start over. She inquired if Duchesne City has any plans to accommodate these people. Any one of us could find ourselves in that same position and everyone deserves a bit of compassion. She expressed her appreciation to The City Council and Mayor Rowley for their willingness to serve.
- Lynn Hamilton - He appreciates what Debbie Fabrizio had to say and stated if Christ was faced with these same problems, would he want to kick someone out or help solve the problem. He would fix the problem and not stand back and argue about it.
- RoJean Rowley -Stated she understands that people have hard times, but they do not have to live the way they are living in the RV park. She addressed Council Member Peatross asking him, when he ran for City Council, did he not want to uphold the ordinances. The answer was yes if they are constitutional. She stated if you are not in agreement with the ordinances change them. If they are in place, then it is the City Council's responsibility to uphold them.
- Stephen Rowley – Would like to know where in the constitution it says that an individual's right overrides City Council and governments rules and regulations. Council Member Peatross read the passage.

Mayor Rowley understands that the RV park needs work and asked for help from the City Council with writing a letter to Sid Minor referencing the ordinances Jodi has given and delivering it to him. Jodi wants to know why the City Council should have to write the letter instead of the owner of the property. Mayor Rowley indicated he has contracts with all the tenants, but they are not abiding by the contract and ignoring the requests he is making. Council Member Baker stated this will be a great way to build a case and have a record. The City Council would be willing to help draft a letter that will go to the property owner and tenant. At this time, we do not have a contract with the sheriff's office to help enforce the ordinances so that responsibility falls to The Mayor, but he is the owner of said property.

Council Member Peatross explained he sympathizes with the hardships that come with inflation, poverty, mental illness, depression, and physical ailments. Council Member Peatross apologized to Jodi Reinhardt and others for his comment made about being a bully.

Jodi asked The Council what she could expect for a timeline of progress on this.

The Council discussed they will be holding multiple work meetings to discuss and go through each of the ordinances in question, it is going to take some time to get through it all. They invited all interested people to attend the work meeting scheduled for Tuesday July 16th at 6:00 pm. Jodi was provided with the minutes from City Council meeting on June 25th with the outline of ordinances in question.

Recap: - Address list of ordinances in question - Address list of citizens concerns - Work on a fire code - Follow up on health inspection - Follow up on business license - Follow up on building permit and plan design - Draft letter to tenant Sid Minor and deliver - Schedule work meetings - Seek legal advice

11. Planning And Zoning

Minutes:

Nothing to report.

12. 15-Minute Open Session

Minutes:

- Cana Ivie addressed the City Council – She stated she knows how much time The Council spends to make the city better and expressed her appreciation for all the hours spent by them doing this work. She wanted The Council to know that not everyone thinks they are doing a bad job. She understands that Duchesne City is growing rapidly right now and appreciates The Council for fighting for our property rights. She is grateful for city laws and understands The Council is in a tough situation on deciding how much to let Duchesne City grow while upholding the laws and rules. She again thanked the City Council for their service.
- Cole Harris addressed the City Council to request an executive session immediately following the regularly scheduled city council meeting to discuss personnel issues.
- Lane Genereaux addressed the City Council to provide an update on the grass located in front of the school. The grass located on the backside of the sidewalk which is on the school's property will be removed and be replaced with concrete. Lane has spoken to Michael Weldon, and he has given his approval.

13. Book Of Complaints, Concerns And Comments

Minutes:

There were 5 new entries into the book. Myra Young, City Recorder read them aloud.

1) 6/11/24 The complaint was about several lights around the southwest area of Duchesne City being out, with no response from the city. Complainant wanted to know why their taxes were being raised. Anonymous

Council Member Ivie responded to this comment. Taxes have not been raised by Duchesne city in a very long time. Property values have increased so taxes are higher, but Duchesne City Tax Rate has not increased.

2) 6/11/24 Hogan RV Park not in compliance with City Ordinances. Jodi Reinhardt

3) 6/24/24 The complement was about how much time the City Council devotes, and she appreciates how much they give to make our community better. Cana Ivie

4) 6/24/24 The complaint was about an asphalt pile from a road repair that has been left on the corner of his property located at 372 N 600 E for over a year now. He is wondering when it could be removed. Shaun Cayias

5) 6/25/24 The complaint was about a collapsed gutter located across the street from Danita

Hinton's home. This is forcing the water underground, causing Ryan Allred's driveway to sink.

Also, where the city cut and filled back in the pavement, it is sunken and collapsed. Danita Hinton

14. Mayor And Council Review Of Old Business

Minutes:

Council Member Ivie addressed the following.

- When is the large water and sewer project scheduled to begin. Mayor Rowley stated it will

be sometime next summer.

- When do we need to address the Airport Overlay Ordinance that Duchesne County is working on and what is the approval process. Mayor Rowley believes they are still in the drafting process, and it may be sometime in August before it goes before the County Commissioners/Public Hearing. The city will need to create and adopt our own ordinance.

Council Member Adams addressed the following items. - Jesse Hyde concern -Stop signs being blocked by overgrowth of trees and weeds located at 500 E 800 N on the bench. There was discussion that Jay did some work there, but the 4-way intersection south of the stake center, near Mike Price on 500 E 800 N still needs some work done, line of sight for oncoming traffic is limited.

- Lamar and Carol Thomas request for speed limit and commercial signs on Center Street, have they been installed. Mayor Rowley is unsure if Jay has installed the signs. Lane will follow up on this.

15. Work Session

Minutes:

A work session was scheduled for July 16, 2024, at 6:00 pm to discuss Hogan RV Park Ordinance Compliance.

16. Executive Session

Minutes:

An executive session was called to discuss personnel.

17. Adjournment

Minutes:

MOTION by Council Member Baker, seconded by Council Member Hamilton to adjourn the regular City Council meeting at 7:42 pm. and go into executive session.

- Council Member Hamilton – Aye
- Council Member Peatross – Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

Attest:

Myra Young, Recorder: _____