



# Regular City Council Meeting

## Minutes

Tuesday, July 23, 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, Jenny Adams, Jason Baker, and Cody Ivie via Google Meet. Newly appointed Council Member Tom Bruton joined after the vote. Council Member Adams offered the prayer. Mayor Rowley led the Pledge of Allegiance.

Public Attendees: Kim Hanson, Debbie Fabrizio, Rojean Rowley, Stephen Rowley, Ana Kolberg, Cindy Bruton, Tom Bruton, Clint Peatross, Kelly Kielbasa, Kiefer Kielbasa, Stan Hanson, Luis Granados, Gio Granados, Janet Jenkins, Oaklee Larsen, Mark Nielsen, Teresa Nielsen, Melinda Larsen, Clay Crozier, Paul Reinhardt.

#### 2. Minutes

##### Minutes:

MOTION by Council Member Hamilton, seconded by Council Member Adams to approve the minutes from June 25, 2024.

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

Motion carried by unanimous vote.

#### 3. Bills

##### Minutes:

MOTION by Council Member Baker seconded by Council Member Adams to pay the bills.

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

Motion carried by unanimous vote.

#### 4. Charges and Credits

##### Minutes:

The Council reviewed the Charges and Credits Report.

## 5. Business License

### Minutes:

- Ana Kolberg would like a business license. She will be providing retail services, located at 177 E. Main Street Suite B in Thunderbird Mercantile.

MOTION by Council Member Hamilton, seconded by Council Member Baker to approve a business license for Ana Kolberg, retail merchant.

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

Motion carried by unanimous vote.

- Luis Granados would like a business license. He will be providing Mexican cuisine located at 25 E. Main Street in Felys Mexican Restaurant.

MOTION by Council Member Adams, seconded by Council Member Hamilton to approve a business license for Luis Granados, restaurant owner.

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

Motion carried by unanimous vote.

## 6. Interviews for Vacant City Council Seat

### Minutes:

- Thomas J. Bruton – Introduced himself and gave a brief history of his residency here and his accomplishments. Tom began his career with the Utah Bureau of Reclamation and retired in 2022 after 35 years with Central Utah Water Conservancy. He expressed his appreciation for what the City Council and Mayor do. His qualifications include experience in managerial positions, such as management in water supply, infrastructure, staff, and overseeing many facilities. He has been involved in many local events.

Council Members took turns asking the following questions.

- Why are you running for City Council? Always had an interest in municipality, leadership and an aunt that was on city council. Sees an opportunity to continue with the work that is being done here in the City.
- What experience do you bring that will be beneficial to the City Council position? Water background – Supply and infrastructure. Contacts, partnerships, has an issue resolutions system which includes seeking understanding, common ground and mutual compromise.
- What is the difference between entitlements and rights? Entitlements in the federal government include programs such as Medicare and Social Security. Rights are within the Constitution and have layers added on with people's own opinions.
- What are your feelings about growth in Duchesne and City Council's role in that growth? Adores rural life. In Duchesne City's General Plan, the phrase states, to maintain a friendly area, economic base and growth that will contribute to the existing lifestyle. Tom would like to see that growth include the ability to keep our children and grandchildren here if they so do choose. Would like to see constructive growth, bringing positivity to our City. With that

growth comes the need to have a consistent water supply plan.

- What do you think about the City trying to obtain and use money from grants for various projects? Understands there are funds available from the state and federal government. Questions to ask would be, 1) Are we contributing to additional debt for the country/state. 2) Does the City want to contribute to that debt. 3) Does the City want to take advantage of these monies. 4) Is the City in a position where we can pay our own way. Need to find the balance.
- What is your attitude/feelings regarding the relationship that Duchesne City should have when working with other government entities such as the county, school district and the various water districts? Strategic partnerships – all those organizations have many common goals and goals that build upon one another. These partnerships are critical in getting the best value for all our dollars. Build upon the commonality, find the gaps and instill compromise.
- What do you see as top priorities for the City? Expansion of the secondary water system. Citywide clean-up efforts. Appearance of the town. Recreation/trail system. Does not see any large deficits and would like to improve on the work that is being done.
- What are your thoughts on personal property rights? The right to own and control property is very important. Believes people should be able to use their property as they want. If there are issues/nuisances with a property and it is addressed in the ordinances/laws, then they need to be worked out. If we do not want to support an ordinance, then it should be removed from the books.
- What are your thoughts about the railroad? Believes there will be a great advantage to having the railroad. Growth, support for the oilfield industry, increase agriculture and professional industries. Job opportunities.
- Roland Hamilton – Was not in attendance.
- Mark Nielsen – Introduced himself and gave a brief history of his residency here and his accomplishments. Mark was born and raised here, is married to Teresa. They have lived in and out of Duchesne City for 30 years. In 1997 became a deputy sheriff serving 8.5 years. In 2005 opened Napa Auto Parts then sold the business after 5 years. Returned to the sheriff's department and worked in the jail for 1.5 years. Started Basinwide Dumpsters and ran that for a time. In 2016 purchased Kohls and got the Napa Auto Parts store back. Enjoys spending time on his farm in Indian Canyon.

Council Members took turns asking the following questions.

- Why are you running for City Council? Been thinking about running for City Council for a while. Recently have gotten involved in City Council meetings. Does not have an agenda and does not know much about what goes on in a City Council. Is very interested and is willing to learn. Believes a commonsense approach in city government is needed. Has concerns and believes the City can do some things better. After Danny resigned, felt like it was his turn to see if he could help.
- What skills do you believe you have that would be beneficial to the City? Willingness to learn. Commonsense approach to problems. Working/interaction with the public.
- What is the difference between entitlements and rights? Yes, there is a difference between entitlements and rights. We all have rights, and they are important.

- What do you see as top priorities for the City? Getting along and being a good neighbor. Appearance including the cemeteries and parks need to look good as they are areas that people see. We are unable to make people do what we think they should do with their own yards, but the City can do what is right with city property. We need to lead by example.
- What are your thoughts on personal property rights? Lead by example. If a citizen is breaking an ordinance, then the City needs to take care of it while respecting people's property rights within reason.
- What are your thoughts about the railroad? The railroad is going to come through his property. The people that were trying to access his property for different reasons were his biggest concern which led to them no longer being able to access the property. Does not see it as a benefit to our community but more a detriment. Agrees truck traffic is awful, does not believe the rail will alleviate enough of it.
- Expand on the detrimental effect the railroad will have? Owns property where the railroad will go through. His opinion after meeting with the railroad personnel, they were not trustworthy. The railroad would have final say on other cargo being hauled. He has spoken with people who have the railroad as a neighbor, and they think they are the worst neighbors to have. He questions with the influx of people coming in to build the rail, where would Duchesne City put them all.
- What are your feelings about growth in Duchesne and the City Council's role in that growth? We all want and need growth to some extent. Would like to see his children be able to stay here and have room for them. The City's role would be in protecting homeowners with what we approve and where we approve it. Water and sewer also need to be addressed.
- What do you think about the City trying to obtain and use money from grants for various projects? If they are available and it makes financial sense and it is agreed upon, then yes.
- What is your attitude/feelings regarding the relationship that Duchesne City should have when working with other government entities such as the county, school district and the various water districts. Relationships are important, we can help them, and they can help us. Feels it is a priority.

## 7. Vote/Appointment of Vacant City Council Seat

### Minutes:

The Council voted on the following applicants.

Thomas J. Bruton

- Council Member Adams - Aye
- Council Member Ivie – Aye

Mark Nielsen

- Council Member Hamilton– Aye
- Council Member Baker – Aye

It was a tie between the two applicants. It was discussed and it was decided there was no need for the applicants to present a second time. There was discussion of Mayor Rowley having the tie breaking vote. There was discussion about a coin toss to break the tie. Ordinances were referred to and State Statutes were read.

A second vote was taken with the same results.

Thomas J. Bruton

- Council Member Adams - Aye
- Council Member Ivie – Aye

Mark Nielsen

- Council Member Hamilton– Aye
- Council Member Baker – Aye

It was discussed to get the results by lot and the results of Mayor Rowley's vote and if they are not the same take the results to legal counsel to advise which way is correct. Clay Cozier provided his legal opinion. It was then agreed upon to perform a coin toss to break the tie. Mark Nielsen was offered to choose the side he wanted. He chose heads. City Recorder Myra Young flipped the coin, it landed with tails side up.

Thomas J. Bruton was sworn in by City Recorder Myra Young.

Council Member Bruton was invited to fulfill his duty by taking his seat on the City Council to finish the meeting.

#### **8. JUB - Kim Silvester/Grant Application Rehabilitate South Apron & Taxilane**

**Minutes:**

Kim Silvester was not in attendance. Mayor Rowley reported she was unable to make it tonight and will be at the next meeting to report.

#### **9. Mosquito Abatement - Annette McRae**

**Minutes:**

Annette was not in attendance. Mayor Rowley reported on the Mosquito Abatement Services. To spray within city limits, individual residents must call the Abatement office and request their location to be sprayed. We encourage residents to call and request the service.

#### **10. Animal Control Contract/Duchesne County Sheriff**

**Minutes:**

Council Member Baker gave an update on the Animal Control Contract proposal from Duchesne County. Duchesne County Sheriff Tucker proposed a \$7,500 yearly contract. This would include response to all calls pertaining to the animal control code. Transportation/boarding at the Duchesne Shelter or Roosevelt Shelter if needed. This contract will not include canine problems that would result in criminal charges. After the year, we would have the option to make any adjustments as needed. Tabiona, Myton & Altamont have the same contract in place. Jason proposed we move forward with the contract process.

MOTION by Council Member Hamilton, seconded by Council Member Adams to approve the Animal Control Contract with the Duchesne County Sheriff's Department.

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

Motion carried by unanimous vote.

#### **11. City Council Department Assignments - Janet Jenkins**

**Minutes:**

Janet Jenkins approached the City Council; she would like to know who is assigned to the cemeteries and who to go to get results at the Duchesne Cemetery. The Council stated there was a list at one time, then after a council member's resignation there was no reassignment of departments. It was discussed the department assignment list needs to be reinstated. Janet indicated she was told the water leak was fixed at the Duchesne Cemetery, that is not true. The sod that is dying is where the water leak is at. Janet has been carrying a 5-gallon bucket to water Ron's grave to keep it green. There are weeds between the headstones and a dead bush at the entrance. She is unhappy with the condition the cemetery is in. Janet provided photos for the Council to view. Mayor Rowley offered to meet with Janet tomorrow to walk through the cemetery. Council Member Adams stated she visited the cemetery and could see the grass was dying where the sprinklers were not reaching.

**12. Approval for Plat Amendment of Blocks 85, 86, 87, 109, 110, 111, 112, 113, 114, and 115 Duchesne Townsite Survey - Clint Peatross****Minutes:**

Clint Peatross presented the Duchesne Townsite Survey Plat to the Council and shared the maps for their review. It was discussed that all landowners will need to sign off. All four maps will be recorded. There will still be access to the Theodore Cemetery with parking. Council Member Ivie asked about the east road, if it skirts the top of the hill and are the lots usable. Clint Peatross answered, "Yes, the lots to the east are usable." Council Member Ivie talked about the 20' setbacks on corner lots. There are lots that have two or more setbacks, this is a concern, we don't want to make these lots unusable.

MOTION by Council Member Baker, seconded by Council Member Bruton to approve Plat Amendment of Blocks 85, 86, 87, 109, 110, 111, 112, 113, 114 and 115 Duchesne Townsite Survey.

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

Motion carried by unanimous vote.

**13. Road Crossing Fees - Kirk Neerings Construction - John & Camille Lefler****Minutes:**

John & Camille Lefler were not in attendance. This will be placed on the next agenda.

**14. Planning And Zoning****Minutes:**

Clay Crozier Planning & Zoning Chairman presented to the Council the following.

- Clay wanted to know if everyone was able to look over the Mike Hansen documents. The Hansen group wanted to know what route was decided, how many public meetings are needed for a proposal or ordinance change. The Planning and Zoning commission passed a motion for the City Council to accept Mike Hansen's recommendations and hold a combined meeting. Clay indicated they are waiting to hear back from the Council/Mayor

with an answer. Bryce indicated they need to have a meeting and will send Mayor Rowley the document.

- Clay shared concerns voiced about the Plat Amendment of Blocks 85, 86, 87, 109, 110, 111, 112, 113, 114, and 115 Duchesne Townsite Survey. Jerry Allred informed Planning and Zoning about the 10" line that runs north to south near the road and runs right through owners lots plus the City Right-of-Way. What restrictions will be placed on those property owners. Jerry was concerned about the 20' setbacks in the front of the lots. There were also concerns about the 56' roads. Lane Genereaux, Public Works Director has concerns about the fire flow pressure.
- Despite the concerns Planning and Zoning made a motion to advise the City Council to accept the Duchesne Townsite Plat Map as drawn and made a motion to have the City Council work with Lane Genereaux, Public Works Director regarding the utilities before giving final approval.

Council Member Hamilton wanted clarification that Planning and Zoning is recommending the Council does not give full approval until speaking with Public Works Supervisor Lane Genereaux. Mayor Rowley indicated that was regarding the fire flow. Mayor Rowley reported that Chuck Richins with Horrocks Engineering has said there are no problems with the fire flows. Council Member Hamilton suggested they ensure a fire truck can get around the corners. Council Member Ivie inquired if there are more lots than previously surveyed. Clint Peatross answered no. The Council discussed the line that will run through owners' properties, it will need to be made aware to them they will not be allowed to build any permanent structure over the line. Kelly Kielbasa stated those easements will be on the plat.

- Planning and Zoning have finalized the survey questions for tiny homes and short-term rentals. Clay read the questions. They will utilize free options to get the survey out, such as social media, website, paper form in the City Office. The Council was happy with the questions and the means. Comments from the public including Kim Hanson, City Treasurer would like to see the simple option, I have no concerns. Kelly Kielbasa wondered if the Commission has discussed small house developments and minimum land requirements that would be associated with tiny houses. Clay indicated they have not, he himself would like to see it as a planned development. At first, they believed there were not any regulations but they are finding International Standards for tiny homes.

Council Member Bruton wondered if a tiny home could be used for aging parents or disabled children. Clay stated the City Council recently passed the ADU Ordinance which allows those types of dwellings.

- Next meeting, they will work on a flow chart for the building permit process.

## 15. 15-Minute Open Session

### Minutes:

Stan Hanson approached the City Council. He introduced himself as one of the newest residents to Duchesne City and Kim Hanson's husband. He is glad to be here and glad to know the Council and Mayor. Congratulated Tom Bruton and wished the Council good luck with the rest of the meeting.

## 16. Book Of Complaints, Concerns And Comments

### Minutes:

There were 2 new entries into the book. Myra Young, City Recorder read them aloud.



- 1) 7/8/24 Monica Grant would like her address issue to be resolved in Google Maps. They are not recognized by the delivery service, or emergency services.
- 2) 7/8/24 Wes Hanberg complemented the office personnel.

## 17. Mayor And Council Review Of Old Business

### Minutes:

Council Member Adams

- Wanted to know if the grass located in front of the school had been taken care of. Mayor Rowley stated, yes, it is concrete now.
- Complaints about streetlights around the southwest area of the city being out. Kim Hanson, City Treasurer clarified those were yard lights not streetlights.
- Asphalt pile at 372 N 600 E Shaun Cayias. Mayor Rowley indicated that is done, it has been removed.
- Collapsed gutter in Danita Hinton's neighborhood. Mayor Rowley stated it was completed this afternoon.
- Mickelson Building inspection. Mayor Rowley shared the cost of the inspection, \$540.00. Report stated the steel frame of the building may assume capable of remaining structurally viable for the next 25 years and beyond.

Council Member Baker

- Reject sand in Donny Grant alleyway. Mayor Rowley stated, we will have it dropped off but are waiting until the spraying of the morning glory.

Mayor Rowley

- Wanted to know if the Council is okay with starting the spraying of the morning glory. We have a price for all the City streets and alleyways and are waiting for Braxton Spencer to provide us with a price for us to go into private yards and if the property owners are willing to pay the price. It was discussed that maybe the public could pay a discounted rate and spray their own weeds, they may need to be licensed to use those chemicals. Council Member Bruton shared that there are private companies that can be hired to perform those services.
- Received the backhoe for the airport and training. The price was \$156k plus \$30k for two additional attachments.
- Update on the Northwest sewer line, they have made their first block. Have had problems with cave ins and asphalt problems, unsure what additional costs will incur.

## 18. Work Session

### Minutes:

There was no work meeting.

## 19. Executive Session - Personnel

### Minutes:

There was an executive session held to discuss personnel.

## 20. Adjournment

### Minutes:

MOTION by Council Member Baker, seconded by Council Member Adams to adjourn the regular City Council meeting at 8:01 pm. and go into executive session.

- Council Member Hamilton – Aye



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

Motion carried by unanimous vote.

**Attest:**

Myra Young, Recorder: \_\_\_\_\_

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Contact: Myra Young (myoung@duchesnecity.com 435-738-2464) | Minutes published on 08/14/2024, adopted on 08/13/2024