



Regular City Council Meeting

Minutes

Tuesday, August 13, 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, Tom Bruton, Jenny Adams, Jason Baker, and Cody Ivie. Council Member Bruton offered the prayer. Mayor Rowley led the Pledge of Allegiance. Council Member Hamilton had to unexpectedly leave the meeting at 7:15 pm.

Public Attendees: Kim Hanson, Kimberly Silvester, Lane Genereuax, Deborah Herron, Wes Hanberg, Cindy Bruton, Jodi Reinhardt, Susan Hamilton, Shelley Brennan, Mel Tanner, Rashae Harrison.

2. Minutes

Minutes:

MOTION by Council Member Bruton, seconded by Council Member Baker to approve the minutes from July 23, 2024.

- 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.

3. Bills

Minutes:

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

- 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.

4. Charges and Credits

Minutes:

The Council reviewed the Charges and Credits Report.

5. Business License

Minutes:

No business licenses brought before the Council.

6. Planning And Zoning

Minutes:

Deborah Herron Planning & Zoning Commissioner presented to the Council the following items.

- The Planning and Zoning Commission, after a discussion with Jerry Allred, had suggested to the Council to consider changing setbacks from 20' to 30' during the meeting held on July 23, 2024. This suggestion is for the front lot line only. They would like to know where the council stands on this and if they need an ordinance brought before them. The Council had concerns about how this would reduce each property's square footage and would like to discuss this with the Commission in a Planning and Zoning meeting before an ordinance is drafted. Deborah Herron wanted to know who would write the ordinance. Mayor Rowley indicated the City Council would need to direct the Commission to draft the ordinance.
- The Commission is in the process of completing a flow chart/check list for the planning development department for the Council's review. Council Member Adams requested a flow chart/checklist for ADU's also be created.
- Survey for Tiny Home/ADU's is completed and ready to go. Danita will reach out to the office to ensure it runs through Duchesne City's Gmail account. Posters will be placed around town with a QR code for access to the survey.

7. JUB - Kim Silvester/Grant Application Rehabilitate South Apron & Taxilane

Minutes:

Kimberly Silvester with J-U-B Engineers reported on the Rehabilitate South Apron/Taxilane Grant Application. This has already been submitted and the FFA is getting ready to issue the grant. She requested the Council give authorization to Mayor Rowley to sign said grant when it is delivered which should be within the next few days.

Kim stated that this grant is for the federal infrastructure bill, Duchesne receives \$150k annually due to being in the National Plan Integrated Airport Systems and has been receiving these funds for 20 plus years.

She also explained that the Bipartisan Infrastructure Legislation Bill (airport infrastructure grants) are being awarded for around \$110k a year in addition to the \$150k. City match must be less than 5% and is only for the design and bidding phase. When construction begins next year congress did pass for years 2025 and 2026 an increase on their match to 95%.

MOTION by Council Member Hamilton, seconded by Council Member Bruton to authorize Mayor Rowley to sign the Grant approval for Rehabilitate South Apron/Taxilane when it arrives.

- 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.

8. Road Crossing Fees - Kirk Neerings Construction - John & Camille Lefler

Minutes:

John and Camille Lefler were not in attendance. Mayor Rowley explained the situation.

The total amount paid was \$1,800. The Lefler's feel they paid too much for the road crossing on a home they were building. They would like a refund on a portion of the payment. The Council discussed whether the finished job was to City standards and what costs were incurred by the City. It was determined that the city had to inspect it and it meets city standards. Mayor Rowley suggested we refund them \$1k, the Council agreed.

9. Zoning Map - Myra Young

Minutes:

Myra Young presented to the Council. She explained that the GIS mapping lacks having the zoning application overlay. It would be a great addition to the system and would take the guesswork out of what zone someone is in. After speaking with Chuck Richins with Horrocks Engineering, he provided an estimated cost of \$1,200 to implement this feature. Council Member Bruton wanted to know if there is anything else that should be added. Lane Genereaux indicated RH Gordan who cleaned the sewer lines is going to share the file with Horrocks Engineering and it will be added to the GIS system. It was discussed that all water/sewer lines, including the age is also included in the system. Mayor Rowley and the City Council gave their approval to move forward with this added zoning feature.

10. Airport Overlay Zone

Minutes:

Kimberly Silvester reported on the following items.

- Neal Fraser, Aviation Planner will attend the County Planning and Zoning meeting on September 4th.
- There were only minor changes made to the original proposed ordinance by Duchesne County.
- Some people were uncomfortable with how big the zones were.
- Need to properly zone the area off the runways, statistically they have the highest accident rates.
- Disclosure for development in the airspace – such as noise/vibration.

The Council discussed their concerns about the restrictions in the proposed ordinance and how they would have a negative effect on the growth in Duchesne. The Duchesne School District owns property in those zones for the future development of two schools. Kimberly stated, the ordinance still allows for development, but cautions to be mindful of what will be developed in those zones and there are air restrictions and the closer you get to the airport there will be more restrictions. The Council will have a work meeting on August 20th at 6:00 pm.

11. Hogan RV Park

Minutes:

Council Member Baker in reference to City Council Work Meeting 7/16/24 had requested Mayor Rowley complete a list of the top 8 – 10 items to be addressed. The Council would like an update of what is on the list and what has been completed.

Mayor Rowley reported on the following.

- Alleyway – Not completed. The tenant is not cooperating with moving her items, she is going to require help to complete this. The tenant next to her did move to allow the ability to clean the alleyway.
- Yard light – There is lighting on the wash house.
- Dumpster – Fence around the dumpster and have it dumped twice a week.
- Park Manager – Hire someone.

Council Member Baker asked if there are contracts with the tenants and if the park manager would be enforcing those rules and what are the consequences of not complying with the rules. Mayor Rowley indicated yes, weed eating, no dogs, and garbage pickup. There are no consequences listed in the contract and eviction provisions are always changing and usually involve the law. There were suggestions made to Mayor Rowley to have consequences listed in the contract and follow through with those. Mayor Rowley indicated he could create a new contract and have them sign it but does not believe the City should have involvement on how he operates his business or tell him what should be in the contract between his tenants. Council Member Baker stated he is only trying to make suggestions to help with the situation and offering his personal help to review the contracts. He understands Mayor Rowley is trying to help people that are in a bind and his heart is in the right place, but this is causing a difficult situation. The Council needs answers on how these issues will be addressed.

Council Member Baker stated the public has the most difficulty with appearance, as an observer you observe that each individual should have a designated space, but they are encroaching onto the surrounding areas. This could be resolved by assigning designated areas.

Council Member Bruton stated he spoke with Jodi Reinhardt and reviewed the situation at Hogan RV Park. He believes there are two different levels of exposure. One being the contracts Mayor Rowley holds with the tenants is his personally. If the contract provisions are not being abiding by, he will be held personally accountable if something was to happen on the grounds. He needs to decide the level of exposure he is willing to accept. Council Member Bruton explained with these types of situations there is a standard called the Reasonable Prudent Standard. Second exposure is with the City Ordinances. With them being in written form and if a council member, mayor or city employee chooses to ignore them, it opens exposure to the city as a whole, The Council, Mayor and the Mayor privately in this situation. There was discussion about who decides when there is a violation of an ordinance, the ordinances give the responsibility to the Mayor, which in this case is a conflict. Council Member Bruton suggested Mayor Pro Tempore should be given the authority in this situation. Council Member Bruton is personally concerned that we are not abiding by the ordinances and looking at it from a liability standpoint, you must enforce and if you don't enforce and there is a violation, the city could be held accountable. The other option would be for the city to rescind the ordinance. Council Member Baker revisited a situation where the Council enforced this ordinance on another business located on Main Street due to a broken window being unsightly, having squatters inside and a potential fire hazard. It was discussed that it cannot be selective enforcement. Council Member Bruton offered his help to Mayor Rowley.

- Susan Hamilton approached the Council. She explained she uses a property management company for each of her businesses. She had taken a Landlord Tenant Law class where they had landlord attorneys, and tenant attorneys teaching both sides of the law. Having

contracts doesn't mean a thing, the officers try but cannot provide much help. There are laws in place to restrict the landlord from placing any type of hardship on the tenant. There are many costs involved in trying to evict the tenant, who seem to have all the rights. Council Member Bruton sympathizes with landlords and understands the struggles brought on by bad renters. As a city we are bound to enforce the ordinances. Susan stated we are going to have homeless people and who is to blame for that, the landlords are going to get the blame for it.

Council Member Bruton wants to know if the city currently enforces all other ordinances regarding nuisances or should they be rescinded. He believes the ordinances are good, fair and common across other cities. But has some concerns.

- Rashae Harrison approached the Council wanting to know if the landlords get references or do background checks. The census was no, the tenants would have to sign a release giving permission to gain that information.
- Council Member Adams noticed the squatter that was behind Al's Food Town is now at the Hogan RV Park and wanted to know if he is a squatter or does he have a contract with Mayor Rowley. The answer was yes, there is a contract.
- Jodi Reinhardt approached the Council. She explained this has never been about evicting the tenants that are there. It is about cleaning it up, having designated paved spots and determining how many spots should be allowed according to the original building permit. Jodi offered her help to clean up. Jodi feels like Mayor Rowley will not own his fault in this. He wanted the city to get involved when he wanted them to send the letter to Sid Minor but now does not want the city's involvement. She requested that the definition of temporary still be defined.

The Council discussed there is a conflict with who is to enforce said ordinances and a discrepancy of the number of items on the requested list. There are 25 plus residents who have their own list of complaints and the owner who does not see it the same way. We need to find the common ground and fix these items.

- Next steps.

The following Items were discussed.

- Alleyway – This will be cleaned tomorrow morning by the city crew.
- Dumpster – Increase the number of times dumped. Discussing if a fence could be placed around the dumpster.
- Hire a park manager.
- Suggestion made to have the RV Park surveyed per the original plan to define designated spots. Mayor Rowley indicated the tenants park on either side of the pedestal depending on their hook ups. They are designated by the water, power and sewer hook ups.
- Rashae Harrison approached the Council wanting to know if Hogan RV Park has a valid business license. Council Member Ivie stated yes there is a valid business license, we are lacking the original documents that were provided when the business license was approved. Those documents may have been lost in the flood.

12. 15-Minute Open Session

Minutes:

Lane Genereuax, Public Works Director reported on the Central Utah Water Meeting he attended.

Fruitland water has officially run out of water rights, they are unable to sell any more hook ups. Fruitland wants to know if Pinion Ridge and Duchesne City are willing to allow Tri County Health to issue building permits for those hauling water to Fruitland. They estimate this to be for 1-3 years.

Council Member Ivie is opposed to this. Lane expressed his opposition; we currently have 107 residential people hauling water and we know the issues we already have with the fill station. Tri County Health had stated that they will not be issuing any permits unless they receive a letter from Duchesne City giving our okay.

Shelley Brennan, Central Utah Water Trustee approached the Council to also report on the meeting. She stated they were looking for a long-term solution which is a new water treatment plant located on the westside. Her response to them was Central Utah Water would be happy to partner with an entity within their district on a project. She explained that Fruitland Water has more wet water than paper water and they have no data due to a lack of metering. She reported that Clyde Watkins, East Duchesne, Johnson Water and others were in attendance.

The Council discussed that any water related problem in Duchesne County should be addressed by Clyde's group.

Council Member Ivie is grateful to have Council Member Bruton on the City Council with his water experience. Duchesne City may have a lot of water, but it is an asset we need to protect and have a plan in place that protects our community first. Council Member Ivie stated we need to be cautious of making Fruitland's problem our problem. There was discussion about not doing this, it has no benefit for Duchesne City. The city charges \$45 up to 8000 gallons, less than a penny a gallon.

13. Book Of Complaints, Concerns And Comments

Minutes:

There was one new entry into the book and a thank you card. Myra Young, City Recorder read them aloud.

- 8/12/24 Nate Robinson - The City is in violation of Code 4-2-5 weed control all over town, including vacant lots and city rights-of-way. Private landowners need to be held responsible for the weeds on their property.
- The Arts Council sent a thank you card expressing their appreciation for all the work to make the 4th of July a success and the city looked wonderful.

14. Mayor And Council Review Of Old Business

Minutes:

- Council Member Adams asked if Nate Zilles with UBAOG had done anything with the International Fire Code. Myra stated the last time she spoke with him, he was still working on it. She explained he is tasked with helping us rewrite our policies and procedures manual including job descriptions for many of our positions. This has been quite extensive.

15. Work Session

Minutes:

A work session was scheduled for August 20, 2024, at 6:00 pm to discuss the Airport Overlay Zone.

16. Executive Session**Minutes:**

There was an executive session held to discuss personnel.

17. Adjournment**Minutes:**

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

- Council Member Hamilton – Absent
- 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: _____

Contact: Myra Young (myoung@duchesnecity.com 435-738-2464) | Minutes published on 08/28/2024, adopted on 08/27/2024