



Regular City Council Meeting

Minutes

Tuesday, August 27, 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. Mayor Rowley offered the prayer. Mayor Rowley led the Pledge of Allegiance. Public Attendees: Myra Young, Kim Hanson, Lane Genereuax, Sharice Walker, Larry Montoya, Taylor Ricks, Brent Hadfield, Josh Ellis, Cindy Bruton, Jodi Reinhardt.

2. Minutes

Minutes:

MOTION by Council Member Adams, seconded by Council Member Baker to approve the minutes from August 13, 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:

There were no bills to approve.

4. Business License

Minutes:

Thomas J. Bruton would like a business license. He will be providing water management consulting located at his residence, 384 W 100 S as Bruton Consulting LLC.

MOTION by Council Member Hamilton, seconded by Council Member Adams to approve a business license for Thomas J. Bruton, water management consultant.

- Council Member Hamilton– Aye
- Council Member Bruton – Abstention – Conflict of interest
- Council Member Adams - Aye
- Council Member Ivie – Aye

- Council Member Baker – Aye
- Motion carried by majority vote.

5. Planning And Zoning

Minutes:

Nothing to report.

6. UDOT US 191 Indian Canyon Update - Sharice Walker and Larry Montoya

Minutes:

- Sharice Walker with Avenue Consultants gave an update on the following US-191 Indian Canyon Corridor Construction.
 1. Passing lane located at MP 280-282 is complete as of August 6th.
 2. Intersection improvements where US-191 and US-6 meet should be completed by the end of September 2024.
 3. New pavement in 3 segments including installation of 4 cattle guards. There will be two work zones while completing this.

They provide updates and will answer questions by the following methods: hotline, email, and website. Council Member Ivie expressed his appreciation for the informational Facebook postings that have been made.

- Larry Montoya UDOT Project Manager explained he is assigned to the Uintah Basin Territory. He recognized the following people who have also been involved in this project, Taylor Ricks with Mainline Engineering, Brent Hadlock UDOT Project Manager, and Josh Ellis with Avenue Consultants. Larry gave an update on the following US-191 Indian Canyon Corridor Construction.
 1. Right lane turn will be added at 200 S and US-40 in Duchesne.
 2. Shoulder widening at MP 292.7 Sower's Canyon, MP 291.6 Skitz Canyon and MP 285 Right Fork Canyon.
 3. 12-foot Southbound 2-mile-long passing lane at MP 273-275.
 4. Chain up areas on both sides of the summit with 16-foot-wide shoulders located at MP 272-273
 5. Installation of fiber optic cable throughout the corridor. This gives the ability to install weather stations, message signs, and CCT cameras to allow the viewing of road conditions.
 6. The approximate timeframe is 2 years. (2025 – 2026)

7. Financial Policy - Nate Zilles

Minutes:

Nate Zilles asked Kim Hanson, City Treasurer to report on the proposed Financial Policy. She explained that Nate would like to create a Financial Policy for Duchesne City. It would include some of the following policies. Separation of Duties, Credit Cards, Budgeting, Auditing, Investment, Grant, Cost and Allocations, Consolidated E Schedule, and others. A benefit of having this policy would be the ability to qualify for more grant opportunities.

MOTION by Council Member Baker seconded by Council Member Ivie to approve Nate Zilles to create a Financial Policy for Duchesne City.

- 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. Rocky Point Ditch Company

Minutes:

They will attend the September 10th City Council Meeting.

9. Duchesne County Sheriff Animal Control Contract

Minutes:

Council Member Baker presented the proposed “Interlocal Agreement Between Duchesne City and Duchesne County for Animal Control Services” Contract.

The Council discussed there was no termination clause within the contract, they would like to see it go into effect on October 1, 2024, instead of January 1, 2025, with a prorated amount, felt it is a fair contract.

MOTION by Council Member Hamilton seconded by Council Member Bruton to approve the “Interlocal Agreement Between Duchesne City and Duchesne County for Animal Control Services” Contract.

- 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.

10. Dog Vaccines - Rabies - Jason Baker

Minutes:

The Council reviewed current ordinances regarding rabies vaccine requirements for dog licensing. The Council discussed whether requiring vaccine records for licensing is an inconvenience and if it deters people from registering their dogs. Some suggested that separating the vaccine requirement from licensing might increase registrations, which would help track dog ownership in case of issues.

Council Member Baker discussed the low incidence of rabies in dogs, emphasizing that the disease is rare due to vaccinations, though it's still seen in wildlife. Concerns were raised about liability if unvaccinated dogs bite someone, and the process for handling such cases was reviewed. It was learned the vaccinations are not being monitored.

Ultimately, The Council considered whether the focus should be on increasing dog registrations rather than strictly enforcing the rabies vaccine requirement as part of licensing. Some suggested keeping the vaccine requirement in the ordinance but not linking it to licensing, while others emphasized the importance of public awareness about vaccination responsibility. Council Member Hamilton and Council Member Baker will work on drafting a resolution for the ordinance to reflect these discussions. We will continue to follow the current ordinance until the changes are adopted.

11. Council Chamber Use - Kim Hanson

Minutes:

Kim Hanson, City Treasurer, asked the Council for their opinion on allowing businesses to use the Chamber for profit-making activities. A lady recently requested to hold a for-profit dance class here, and while Merrilee McKee has previously used the Chamber for her for-profit singing group, Kim questioned if the Chamber should be open to all businesses. She proposed restricting its use to non-profit organizations only. Council Member Ivie suggested finalizing details with the County regarding the Mickelson Building, as it would be a more suitable venue for such activities. The issue of liability was also raised if someone was to get injured while using the Chamber. It was decided that the Chamber be used for non-profit organizations moving forward.

12. Public Works Department Update - Lane Genereaux

Minutes:

Lane Genereaux Public Works Director reported on the following.

- Discharge Permit - An email had previously been sent to all the City Council for review. Lane reported nothing has changed with the permitting and everything is good with it. Council Member Bruton agreed the paperwork looked good. The last time we discharged was in 2011 where we discharged 7 times. It is important that we do not lose this permit.
- Sewer SL Rat with RH Borden came through and did all our sewer lines. We still have a few trouble spots which include Old Farm Road and Wilsons. These should be resolved with the project completion next year. Received the 2024 Smart City Award. We have received this award 2 years in a row.
- Roads Jay has begun installing signs around the city. The crew has started patching potholes in the roads. Main street is almost completed. WW Clyde is willing to help clean out the gutters and boxes. Part of the overlay job has included cutting out the sidewalks for handicapped accessibility and be ADA compliant. Council Member Adams asked about the water leak located at Main Street and IFA. It is a leaky valve/sprinkler and will be fixed next summer when they complete the concrete at that location.
- Cemeteries The sprinklers have been off for 2 weeks due to all the rain. Strawberry was turned back on today and the pump will not need to be moved this season.
- Parks Wallace Park – Just waiting for the school to complete their project. Once they are completed with the parking lot, they will begin installing the sprinkler system, once completed the main line will be connected. The anticipated time will be 1.5 -2.5 weeks.
- Water Meters are still being changed out. The ones that are installed are working well and the readings show there was water loss with the old meters. This will result in the consumers seeing an increase in usage and anticipated phone calls from them.

Fruitland Water - Lane proposed putting a hold on new water fill station hookups due to the ongoing Fruitland Water situation, suggesting the need to first clarify boundaries and manage the situation effectively. There was discussion about whether this hold should include Pinion Ridge, which already has its own water supply. Council Member Bruton reviewed the Culinary Water Master Plan from the Duchesne County Water Conservancy District, noting that Pinion Ridge and Fruitland Water failed to complete necessary projects, leading to the current crisis. The past practice was to sell water to anyone who wanted to haul it. Council Member Ivie expressed concerns about bigger issues, such as the county issuing building permits based on future water connections that may not happen. Is the city planning to continually provide water to them.

Council Member Ivie emphasized that Duchesne taxpayers should not be responsible for fixing these issues and the need to protect the city's assets.

Lane mentioned the financial costs of providing water to 110 residential haulers, as maintenance costs is a large portion, particularly for keypads at the water station, have consumed any profits. Mayor Rowley suggested that the council should review and possibly adjust water rates, which would require a study. Currently, residents outside the city limits are charged 1.5 times the regular rate. The mayor emphasized the importance of evaluating whether current rates cover operating costs and protecting city assets. The council agreed to implement a moratorium on new water hookups and to review the Master Water Plan to ensure a fair distribution of water resources.

- Miscellaneous
- Winter Hours – Will be going back to 5, 8's beginning September 9th.
- Walleye Tournament is September 6th, 5pm at the Centennial Event Center.

13. 15-Minute Open Session

Minutes:

No-one came forward.

14. Book Of Complaints, Concerns And Comments

Minutes:

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

- 8/19/24 Anonymous Entry - Received dog licensing letter, is unwilling to abide by ordinances until the mayor abides by the ordinances.
- 8/21/24 Tiffany Woods – Would like to see the big truck ordinance be enforced on our small city roads.

15. Mayor And Council Review Of Old Business

Minutes:

Council Member Bruton reported that he has received numerous concerns from residents about the Hogan RV Park. He spoke with Myton City's Recorder about how they handled the establishment of an RV park, noting that while Myton didn't initially have an ordinance, they went through planning & zoning, and the plan was then approved by the city council. Council Member Bruton has requested information on this process to help address the issues in Duchesne City. Council Member Bruton emphasized the need to resolve the situation, highlighting the importance of finding a fair compromise while maintaining legal status. He mentioned receiving a list of top concerns from Jodi Reinhardt and stressed that resolving the issue would benefit the park owners, the city, and the neighboring property owners. To move forward, he intends to begin compiling factual information to give the Council a guide to start with.

Mayor Rowley responded by stating that he does not believe this pertains to his park. The Hogan RV Park had already gone through the proper channels, including Planning & Zoning, and had been approved by the Council and the previous Mayor. He also noted that Tri County Health and the Fire Chief recently had inspected Hogan Park without finding any violations.

Council Member Baker criticized the mayor for being overly defensive and not considering other's perspectives. He also expressed frustration over a complaint written in The Book of Complaints, Concerns and Comments. alleging the citizen is not willing to follow ordinances until the mayor

shows he is following the ordinances. It could all come down to this and no one will be willing to follow any ordinances because the mayor is perceived as not enforcing them or abiding by them himself. During the last council meeting the following items to work on were discussed. Contracts with consequences, hiring a park manager, weeds, cleanup of the alleyway and fencing the dumpster.

Mayor Rowley thought he had been making progress and was unsure of the expectations, noting it is not him alone but twenty renters and feels that when you start listening to the complainers then they begin to have more say over someone's property then they do themselves. Council Member Baker countered that ordinances govern what can be done on one's property. Mayor Rowley stated those ordinances have nothing to do with the situation, as his park is grandfathered in. Council Member Bruton added that without documentation of the original plans, it's challenging to address current issues and some ordinances are mandated by state law, which cannot be grandfathered in. He also pointed out that some city ordinances might be in violation and Jodi Reinhardt's concerns are ordinance specific.

Council Member Baker stated we can have as much information on the books as we want but if the mayor is not willing to give, I don't see where this is going to go. Council Member Bruton suggested possibly involving a mediator or arbitrator.

Council Member Ivie questioned what Bruce Thomas's involvement was due to his comments and disposition at the previous work session. Mayor Rowley explained Bruce hauled off the female renter's car that was blocking the alleyway. Bruce was upset, he felt the City Council was picking on her. During the meeting he also made mention of four women who were filing a lawsuit. The Council wanted to know if there is a known lawsuit that has been filed against Mayor Rowley personally or against Duchesne City. Mayor Rowley indicated not to his knowledge.

Council Member Bruton warned that if it is true that someone is looking into litigation this could complicate matters. It will no longer be able to be discussed in our meetings between us it goes to private meetings and our communication will go to our attorney and all other attorneys involved. He urged the Council and Mayor to seek legal advice from Jared Tingey with the Utah Leagues of Cities and Towns which is a resource available to the city before it escalates.

Mayor Rowley expressed concern about the twenty renters who could become homeless if the Hogan RV Park is closed. Council Member Ivie clarified that the City Council has never suggested closing the park but is focused on ensuring compliance with ordinances. The Mayor asked which ordinances he is violating, and it was noted that Jodi had raised concerns, though the mayor argued those ordinances apply to new trailer parks, not his existing one. Council Member Bruton stated our hearts go out to the people who are living there but cleanliness, ethics and organization is needed. The Council agreed to work on identifying which ordinances apply to the current situation.

Mayor Rowley listed his ongoing efforts, such as the tenant that was living in the Haulmark trailer has moved out, he has two people that may be interested in the park manager position, and the alleyway has been cleared. There was discussion about the dumpster and if the fence has been placed around the dumpster. Mayor Rowley indicated It will be placed in the alleyway up against the vinyl fence.

There was a recommendation to build a fence around the park. Council Member Hamilton offered to bring equipment to help with this.

Council Member Adams

- Wanted to know if the Council needed to direct the Planning & Zoning Commission to draft the setback ordinance. Mayor Rowley indicated that he believed this was one we did not want them to draft. It was discussed amongst the Council to have discussions with the commission before giving the okay to draft the ordinance. This will need to be followed up on.
- Asked Lane about RH Borden and the files they were going to share for updating the zoning map. Lane indicated he spoke with Chuck Richins, and they have not received that information yet. Lane will reach out to Erick.
- Following up on the progress with the weed control plan.

Council Member Bruton

- Kirk Neering Road Crossing Permit

It was noted there may have been a potential mix-up with the requirements based on an outdated version. There is a need to clarify the corrections and establish consistent charges going forward.

The Mayor directed them to decide whether the city or contractors should handle the work, ultimately suggesting that contractors should do it, requiring an update to the application process.

Council Member Ivie emphasized the importance of quality control, suggesting that contractors should be required to hold a 2-year bond and be liable for fixing any issues. Lane mentioned that some trenches might be too wide for the city's equipment, potentially causing damage if the city attempted those repairs. Different costs for various areas were discussed, with a proposed \$600 inspection fee including reasonable administration and inspection fees. Concerns were raised about justifying the costs to Camille Lefler, particularly in relation to \$60 an hour inspection fee.

16. Work Session

Minutes:

There was no work meeting.

17. Executive Session

18. Adjournment

Minutes:

MOTION by Council Member Baker, seconded by Council Member Hamilton to adjourn the regular City Council meeting at 8:06 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: _____