Regular City Council Meeting

Minutes

Tuesday, September 10, 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, and Jason Baker. Council Member Cody Ivie was absent. Council Member Hamilton offered the prayer. Mayor Rowley led the Pledge of Allegiance.

Public Attendees: Lane Genereuax, Jill Johnson, Dan Harmer, Emily Harmer, Autumn Harmer, Elias Harmer, Summer Harmer, Whitney Benson, Kim Swasey, Danny Swasey, Matt Betts, Janet Jenkins, Melinda Larsen, Oaklee Larsen, Cindy Bruton, Wes Hanberg, Susan Hamilton, Rashae Harrison, Conely Moon, Margie Peatross.

2. **Minutes**

Minutes:

MOTION by Council Member Bruton, seconded by Council Member Baker to approve the minutes from August 27, 2024.

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

Motion carried by unanimous vote.

3. **Bills**

Minutes:

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

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

Motion carried by unanimous vote.

4. **Charges and Credits**

Minutes:
The council reviewed the Charges and Credits

5. **Business License**

Minutes:

- Enrico Damoc was not in attendance.
- Dan Harmer would like a business license. He will be providing veterinary services located at the Duchesne County Centennial Event Center as Ponderosa Veterinary Services.

MOTION by Council Member Bruton, seconded by Council Member Hamilton to approve a business license for Dan Harmer, veterinary.

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

Motion carried by unanimous vote.

- Jill Johnson would like a business license. She will be offering vintage and thrift items, in addition to providing a space for farmers market vendors to sell their goods during the winter month located at 12 E. Main, Suite A as Gone Qwackers Vintage and Thrift Boutique.

MOTION by Council Member Hamilton, seconded by Council Member Adams to approve a business license for Jill Johnson, vintage and thrift boutique retail store.

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

Motion carried by unanimous vote.

- Whitney Benson would like a business license. She will be providing insurance coverage options located at 59 W Main as Elevated Insurance Agency.

MOTION by Council Member Bruton, seconded by Council Member Hamilton to approve a business license for Whitney Benson, Insurance Agent.

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

Motion carried by unanimous vote.

6. **Planning And Zoning**

Minutes:
Nothing to report.

7. **Rocky Point Ditch Company - Matt Betts**

Minutes:
Matt Betts, President of Rocky Point Ditch Company, approached the Council with the following concerns and requests and is asking for the city's assistance in resolving these.

Water usage:

- Determine the amount of water Duchesne City is taking from Rocky Point meters.
- Identify which meters are owned by the city.
- Ensure meters are working and obtain consistent monthly meter readings.
- Verify the city's water agreement and ensure sufficient water in the ditch.
- Confirm the proper amount of water coming down Rocky Point Ditch for city use.
- Verify the number of turnouts the city has.
- Rocky Point Ditch Company has limited capacity and there are no additional turnouts available.

The Council and Mayor discussed the biggest issue is Old Farm Road with the issue regarding who has legitimate water rights and from what water source. The residents claim they are using Duchesne City's water, Duchesne's agreement does not allow water use outside of the city limits unless certain conditions are met. The city is in support of Rocky Point Ditch Company in turning the water off to those residents if needed. Whitney Benson inquired how to prevent water shutoff for her neighbors located on Old Farm Road. Mayor Rowley advised those residents to present their case to Rocky Point Ditch Company's Board and/or purchase a water share. Matt Betts seeks a solution before next year's water turn-on. Mayor Rowley and Matt Betts will collaborate on this matter.

8. **Dog Issues - Margie Peatross**

Minutes:

Margie Peatross raised concerns about the issue of dogs running at large in Duchesne City, emphasizing the need for clear rules regarding dog ownership and management. She expressed a desire for residents to be informed about these regulations and to keep their dogs contained within their yards. In response, Council Member Bruton provided an update, noting that the dogs in question had been vaccinated and licensed during a recent clinic, and a citation had been issued. Margie confirmed that her situation had improved.

The discussion also highlighted the Duchesne Public Facebook page and the absence of a Duchesne City Facebook page, which has led to misinformation circulating without a means for correction. Employees and elected officials will not respond on social media. Residents are encouraged to contact the city through the following options, city office, Mayor Rowley, calling the after-hours number or animal control, with central dispatch, Duchesne County Sheriff's Department being the primary contact for such issues. Duchesne City has a contract in place with the Sheriff's Department and it is crucial to report these incidents to them for maintaining records and building cases against habitual offenders. Council Member Adams emphasized for Margie to document and take pictures for the officers, this will help with her case.

Mayor Rowley outlined the Impound Policy and Boarding Fees for Dogs: During a 12-month period, which includes escalating penalties for repeated offenses:

- 1st Offense: Documented verbal warning
- 2nd Offense: Written warning
- 3rd Offense: Dog impounded, $50 fee plus $10/day boarding
- 4th Offense: Dog impounded, $100 fee plus $10/day boarding
- 5th Offense: Dog impounded, $150 fee plus $10/day boarding

- After 5th Offense: Dog deemed a habitual offender and surrendered to animal control.

Mayor Rowley stated the Duchesne City Ordinances are available on the website. The city is actively promoting awareness of the ordinances, which will be made available for public viewing at the city office and included in monthly billing notices.

9. **Draft Ordinance for Title 5 Chapter 1, 5-1-4 Licensing of dogs B**

Minutes:

Council Member Baker addressed the issue of unregistered dogs in the city, highlighting that some owners may not choose to vaccinate their pets. Currently, owners without proof of vaccination are turned away when attempting to register their dogs, resulting in unlicensed animals. The Council aims to increase dog registration rates by amending the current ordinance.
Council Member Baker read aloud the proposed draft changes. The proposed amendment would allow dog registration without immediate proof of rabies vaccination, though vaccinations would still be required.
Dr. Dan Harmer provided insights on rabies vaccinations: - Initial vaccination requires a booster after one year - Subsequent vaccinations are needed every 3 years - While he hasn't personally seen rabies cases, he frequently consults with human doctors about dog bites where the animal can't be located - Estimated cost of rabies treatment for humans is around $5,000 - Utah's high vaccination rate contributes to the rarity of rabies cases.
Council Member Bruton sought confirmation that impounded dogs must have both rabies vaccination and licensing to be released to the owner.
The Council reviewed the draft amendment and plans to move forward with its adoption at the next city council meeting.

10. **Cooperative Agreement**

Minutes:

Mayor Rowley asked if the Council had a chance to read the Cooperative Agreement between Utah’s Public Lands Policy Coordination PLPCO and Myton City and Duchesne City. The intent language reads: The Legislature intends that the Public Lands Policy Coordinating Office use the $300,000 one-time General Fund provided by this item to grant: Duchesne City and Myton City Defense Fund $300,000. These funds will be used for the legal fees to dispute the streets and alleyways with the tribe. Representative Christine Watkins and Senator Ron Winterton were able to secure these funds for the cities. Mayor Rowley read the Resolution of Appreciation.
CITY OF DUCHESNE, DUCHESNE COUNTY, UTAH RESOLUTION OF APPRECIATION SEPTEMBER 10,2024 RESOLUTION No. 24 - 1 A RESOLUTION OF IMMENSE GRATITUDE TO REPRESENTATIVE CHRISTINE WATKINS & SENATOR RON WINTERTON FOR THEIR LEADERSHIP IN OBTAINING THE LEGISLATTVE APPROPRIATION TO RESOLVE LONGSTANDING & CRITICAL JURISDICTIONAL ISSUES. WHEREAS, Duchesne City has been involved in a jurisdictional dispute since 2013 which has obligated the City to expend significant resources to ensure the City continues to properly operate as a Utah municipality; WHEREAS, the 2024 Utah State Legislature, upon the approval and recommendation of Executive Appropriations Committee and the Executive Offices and Criminal Justice Appropriations Subcommittee, appropriated $300,000 to allow Duchesne City and Myton City to continue efforts to resolve the

jurisdictional dispute; WHEREAS, Appropriation Sponsor Representative Christine Watkins, an advocate for and champion of rural Utah, having represented District 67 since 2017, worked tirelessly on behalf of Duchesne City during the entirety of the 2024 Utah Legislative Session as well as the entirety of her career as a public servant dedicated many hours to securing the Appropriation; WHEREAS, Appropriation Cosponsor Senator Ron Winterton, a diligent public servant dedicated to the betterment of rural Utah, having represented Utah Senate District 20 since 2019, personally dedicated countless hours of service to secure the Appropriation; WIIEREAS, all named parties, working together, made possible for such funds to be appropriated to Duchesne City and Myton by the Utah legislature; and WHEREAS, due to this Appropriation Duchesne City shall have the means necessary to continue in its efforts to resolve the long-standing jurisdictional issues and hope to enter into a fair and just settlement with the Utah Indian tribe that shall resolve all issues. NOW, THEREFORE, Be it resolved by the City Council of the City of Duchesne, Duchesne County, Utah, as follows: I. Mayor Rodney Rowley and the Duchesne City Council hereby express their sincere appreciation, gratitude, thanks and praise to Representative Christine Watkins and Senator Ron Winterton for their dedication, attention, and skill in securing this vital appropriation from the Utah Legislature 2. Further, Mayor Rodney Rowley the Duchesne City Council hereby express their sincere appreciation, gratitude, and thanks to the Executive Appropriations Committee, Executive Offices and Criminal Justice Subcommittee, and the Utah Legislature for their essential involvement in this critical appropriation.

Adopted and approved this by the City Council of Duchesne City, Utah 10th day of September 2024.

MOTION by Council Member Adams seconded by Council Member Hamilton to approve Resolution 24-1.

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

Motion carried by unanimous vote.

11. 15-Minute Open Session

Minutes:

Janet Jenkins raised concerns about the safety of the intersection at 5th North on the bench, where vehicles are cutting through the property near a stop sign, creating a hazardous situation for oncoming traffic and children on bikes. She requested permission from the Council to place large rocks at this location to deter vehicles from cutting through.

The discussion included whether the area is private or city property, which raised potential liability issues for the city if they approved the placement of rocks. Duchesne City requires a 10-foot clear zone, and alternative deterrents like K-rail were considered. Janet asked for a timeline for completion, while Lane expressed the need to follow up on liability concerns before proceeding. Mayor Rowley supported using rocks as a solution. Janet requested this be in writing before her contractor would do it. The Council also requested that Mayor Rowley consult with Jared Tingey, legal director of the Utah League of Cities and Towns, regarding liability issues before moving

forward, he will get with Janet when he has an answer.
Whitney Benson requested a recap of what was said about the irrigation water on Old Farm Road. Mayor Rowley indicated he has talked with the residents about their options, and went on to explain those options.

- Take their deed to Andrew Dutson at the Vernal Water Rights Department.
- Fill out an application.
- Determine the origin of their water right.
- Consult with Rocky Point Ditch Company about transferring the water right to their property.

Whitney inquired if the city would be shutting off the water. Rocky Point Ditch Company, not the city, will be shutting off water due to lack of water rights, they have no other option in this situation. Whitney also inquired what it would take to have secondary water brought to Old Farm Road. Mayor Rowley listed the following.

- Property owners should collectively approach Andrew Dutson.
- Attempt to obtain water rights.
- Bring water to city limits.
- The city would assist in installing a secondary pipeline with one hookup using city water.
- This process is expected to be quite expensive for the property owners.

Rashea Harrison would like an update on Hogan Park. Council Member Bruton explained the distinction between public and private nuisances. Public nuisances fall under the city's jurisdiction, while private nuisances, such as property devaluation, must be addressed through the court system. The city must designate an inspector to review city ordinances and determine if there is a violation. Normally, the Mayor would take this role, but due to a conflict of interest, another city employee or council member will need to be appointed. The City Council needs to review the ordinances in Title 9 Chapter 4 related to Manufactured Homes and Recreational Coaches, to ensure they are clear enough for enforcement. If a violation is found, a written warning and timeline for resolution will be issued, with potential litigation if unresolved. The Council must also consider if other locations are a nuisance to avoid singling out Hogan Park. Council Member Bruton recommends moving forward with ordinance review and inspector appointment. It was suggested Mayor Pro Tempore as a possible inspector.
Janet Jenkins suggested appointing someone from the community to address the Hogan Park issue, given its sensitivity as it involves the Mayor. She expressed concern that some City Council members may be reluctant to act impartially toward the Mayor. While it was noted that the Mayor Pro Tempore is a logical choice, Janet believes Council Member Bryce Hamilton, due to his long-standing relationship with the Mayor, would not be a fair choice as it might create discomfort. Council Member Hamilton, on the other hand, feels the City Council should handle the matter, possibly with the help of a mediator.

12. Book Of Complaints, Concerns And Comments

Minutes:
There were no new complaints, concerns, or comments.

13. Mayor And Council Review Of Old Business

Minutes:

- Council Member Adams wanted to follow up on the Council providing Planning and Zoning the go ahead on drafting the 30’ setback ordinance. Mayor Rowley stated that he is not for

that change and asked the Council where they stand on the item. The Council discussed the reason for the change.

- Council Member Baker wanted to know if the animal control contract with Duchesne County Sheriff's Department had been signed. There was one grammatical change to be made and then it will be ready to sign, Mayor Rowley will follow up on this tomorrow.

14. **Work Session**

Minutes:
There was no work meeting.

15. **Executive Session**

Minutes:
There was an executive session held to discuss a water contract.

16. **Adjournment**

Minutes:
MOTION by Council Member Baker, seconded by Council Member Hamilton to adjourn the regular City Council meeting at 7:21 pm. and go into executive session to discuss a water contract.

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

Motion carried by unanimous vote.

Attest:

Myra Young, Recorder: _____