



Regular City Council Meeting

Minutes

Tuesday, November 26, 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 Rodney Rowley conducted the meeting. City Recorder, Myra Young took minutes. City Council Members present were Bryce Hamilton, Tom Bruton, Jenny Adams, Cody Ivie and Jason Baker. Council Member Adams offered the prayer. Mayor Rowley led the Pledge of Allegiance. Public Attendees: Lane Genereaux, David Kettle, Karalee Kettle, Brett Kettle, Deni Kettle, Rachel Henrie, Danita Hinton.

2. Minutes

Minutes:

MOTION by Council Member Baker seconded by Council Member Adams to approve the minutes from November 12, 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 Bruton, seconded by Council Member Ivie 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. Business License

Minutes:

There were no business licenses brought before the City Council.

5. Planning And Zoning

Minutes:

Danita Hinton Planning and Zoning Secretary gave the following report.

1. Valley View Subdivision Phase 2 Adding Lot 11 to Phase 2 – Bryce Hamilton. Planning and Zoning is recommending the amended plat.
2. Airport Overlay. There was some confusion regarding the City Council's request to the Planning and Zoning Commission about the Airport Overlay. There are no recommendations from them currently. The discussion included the requirement to notify affected landowners within 300 feet of the proposed overlay area at least 10 days prior to a public hearing. While the idea of using the county's mailing list was considered, it was determined that the list only covers county residents, making it unsuitable for the city's needs. Furthermore, the county's tax roll is experiencing issues, leading to difficulties in identifying the necessary names and mailing addresses for notifications. Mayor Rowley mentioned that some minor adjustments are needed in the ordinance and had sent the corrected and signed version to Clay Crozier. These changes include updates to the ordinance title and a few sentences in section Zone 6 of the ordinance. Council Member Ivie suggested reaching out to Senator Ron Winterton for some clarification. During a recent meeting, the Senator acknowledged an oversight in the legislation and stated it was never intended to apply to rural Utah airports. Council Member Hamilton will work on the necessary changes to the ordinance.
3. Duchesne Townsite Survey Land Use Waiver Request - Clint Peatross/Kelly Kielbasa. There was some confusion about why this item appeared again on the Planning and Zoning Agenda, as it had already been approved by both Planning and Zoning and the City Council. Upon review it was discovered that he never filled out the Land Use Application and the recently submitted documentation was for a subdivision, whereas it should have been filed as a plat amendment. Proper paperwork should have been submitted before Planning and Zoning issued their recommendation. Clint will now need to submit a new Land Use Application for a plat amendment and pay the required \$200 fee. Myra will contact him to ensure the application is completed correctly and the fee is collected. Currently, there is no valid basis for a waiver.
4. Planning and Zoning Recommendation. Planning and Zoning is making the following recommendation based on a discussion with a resident during their recent meeting regarding the Duchesne Townsite Plat Amendment. Planning and Zoning recommends the city construct a usable road, install city sewer and utility lines on an as-needed basis, and seek CIB funding to pave the road. Mayor Rowley confirmed that the city takes responsibility for installing city utilities and constructing roads. He also shared that he, Lane, and Chuck Richins from Horrocks met yesterday to discuss the project. Horrocks has completed the water and sewer designs, with the initial phase involving the installation of four manholes. This will serve as the first phase of the project. Council Member Ivie clarified that the road providing access to these properties, commonly referred to as "the dugway" or 700 West, is a county road, not a city road. As such, maintenance responsibilities fall under the jurisdiction of the county.
5. Clay Crozier Resignation. Clay Crozier Chairman will be resigning as soon as possible and will provide a formal letter outlining his reasons for the decision. Lynn Hamilton has also expressed interest in stepping down, and Danita Hinton Secretary may need to relinquish her duties as secretary but continue to serve on the Planning and Zoning Commission.

6. Basin Wide Dumpster - Dumpster Billing/Rachel

Minutes:

Rachel Henrie, Secretary for Basinwide Dumpster, addressed the City Council to explain her role in handling billing. In April, she noticed a discrepancy where some Duchesne businesses were being billed for dumpsters by Basinwide, while others were billed by the city. She assured the Council that no businesses appear to be double billed. Rachel proposed streamlining the process by having either Basinwide or the city handle all dumpster billing, with her preference being that Basinwide take full responsibility. Mayor Rowley expressed his preference for Basinwide to handle billing for both commercial and residential dumpsters. David Kettle inquired whether the city was satisfied with Basinwide's service, to which the consensus was positive.

MOTION by Council Member Hamilton, seconded by Council Member Adams to have Basinwide bill for all dumpsters within the city limits while Duchesne City will continue to bill for all garbage cans.

- 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.

7. ORDINANCE 24-5; AN ORDINANCE OF DUCHESNE CITY AMENDING TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 1, PLANNING COMMISSION, 2-1-3 ORGANIZATION, D. QUORUM**Minutes:**

ORDINANCE NO 24-5

AN ORDINANCE BY THE CITY COUNCIL OF DUCHESNE CITY TO AMEND TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 1, PLANNING COMMISSION, 2-1-3 ORGANIZATION, D. QUORUM, OF THE DUCHESNE CITY MUNICIPAL CODE

WHEREAS, the current language of Title 2, Boards and Commissions, Chapter 1, Planning Commission, 2-1-3 Organization, D. Quorum states that 66% of the planning commission members constitute a quorum, leading to potential confusion;

WHEREAS, to clarify the quorum requirement for the Planning Commission, ensuring consistency with state regulations and supporting clear operational standards;

WHEREAS, to correct the current ordinance's unclear quorum requirement and align it with the state standard for a five-member body, where three members constitute a quorum;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUCHESNE, UTAH, THAT:

SECTION I – ENACTMENT

TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 1, PLANNING COMMISSION, 2-1-3 ORGANIZATION, D. QUORUM BE AMENDED AS FOLLOWS:

TITLE 5 – BOARDS AND COMMISSIONS

CHAPTER 1 – PLANNING COMMISSION

2-1-3: ORGANIZATION

D. QUORUM:

Three (3) out of a five (5)-member planning commission shall constitute a quorum, in accordance with Utah Code § 10-3-504.

SECTION II - EFFECTIVE DATE

This ordinance shall take effect immediately upon its being passed by the City Council. PASSED AND APODTEED by the City Council of Duchesne City, Utah on this _____ day of _____ 2024.

MOTION by Council Member Hamilton, seconded by Council Member Bruton to approve ORDINANCE 24-5; AN ORDINANCE OF DUCHESNE CITY AMENDING TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 1, PLANNING COMMISSION, 2-1-3 ORGANIZATION, D. QUORUM

- 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. Plat Amendment - Valley View Subdivision Phase 1 - Bryce Hamilton

Minutes:

Council Member Hamilton presented the map for Valley View Subdivision Phase 2 to the Council. He proposed adding a new section to the subdivision, designating it as Lot 11.

MOTION by Council Member Bruton, seconded by Council Member Adams to approve the Valley View Subdivision Phase 2 as shown and recommended by Planning and Zoning.

- 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.

9. Duchesne Townsite Survey Fee Waiver Request - Clint Peatross/Kelly Kielbasa

Minutes:

There was no reason for a waiver. Reference minutes in Agenda Item 5. Planning And Zoning.

10. Request for Agenda Item Process - Jason Baker

Minutes:

Council Member Baker raised concerns about the current process requiring approval from two City Council members for a public request to be added to the City Council agenda. He expressed disapproval of this system, stating it was unnecessary and questioned its effectiveness. He noted that the city has not encountered significant issues with agenda items and felt this system limited public engagement. He also questioned how such a process would be monitored. Mayor Rowley provided insight from the ULCT meeting he recently attended, where he learned about similar processes. He explained that the city agenda is ultimately the mayor's responsibility, and adjustments to how items are added can be made at his discretion. He emphasized that agenda management is important to avoid distractions during meetings and to focus on conducting city business. He reminded the Council that the public still has the opportunity to speak during the open session, regardless of whether their item is officially on the agenda. Council Member Ivie

shared input from County Commissioner Irene Hanson, noting that the County uses a similar application process. Requests are evaluated to determine if they should be handled administratively or placed on the agenda. This approach helps ensure items are addressed appropriately without unnecessarily occupying Council meeting time. Council Member Bruton supported the process, stating it brings a useful system of checks and balances to manage agenda items. He cautioned against allowing an open-ended system where anyone can add anything to the agenda without review. Council Member Adams suggested using the application form but eliminating the requirement for two Council members' approval. She proposed the form be used to assess whether an issue could be addressed administratively or if it qualifies as an action item for the agenda. The public would still have access to the 15-minute open session for comments. However, more complex matters could be addressed during a work session or assigned to a Council member, the Mayor, or administration. The consensus was to adopt the application process while avoiding excessive limitations on public participation. The Council agreed that requiring approval from two Council members was unnecessary, and the Mayor should not have sole authority over the forms to prevent potential conflicts of interest. The Council decided that once an application is submitted, it will be signed by the Mayor, and the decision to accept or deny it will be communicated to all Council members via email by City Recorder Myra Young. This ensures transparency, provides a paper trail, and allows any issues to be addressed collectively.

MOTION by Council Member Baker, seconded by Council Member Ivie to approve the use of the Request for Agenda Item Application. All Council Members will receive a copy of each application, whether approved or denied, for review.

- 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. Mickelson Building Update - Cody Ivie

Minutes:

Council Member Ivie provided an update on the status of the Mickelson Building. The school has ended its use of the facility. He spoke with Irene Hansen to determine the county's position, and she confirmed that they are still moving forward with plans for the building. She will draft a memorandum of understanding outlining the county's obligations, which will precede a full contract. Council Member Ivie emphasized the importance of starting discussions about the city's expectations for the building. Council Member Adams noted that these discussions should be prioritized before Hansen's retirement. Currently, the county is limited in its use of the building unless it is for Duchesne County Fair purposes. Council Member Ivie suggested that if the city has no intention of actively utilizing the building, it would be unfair to require the county to maintain it. He is proposing a partnership with the county to avoid any legal conflicts. The county has expressed interest in continuing to use the building's bathrooms during the fair and has committed to upgrading them to ADA compliance standards. While the building requires minor repairs, a recent inspection indicated it has an estimated 25-year lifespan. Several suggestions were made

regarding potential uses for the building. The Council also identified the need for clear policies regarding building usage and expressed the importance of establishing guidelines to ensure fairness for residents and taxpayers. Council Member Ivie will contact the school district to obtain details about their financial involvement with the building. The Council agreed to move forward with discussions and plan a work session to determine the building's future intent and use.

12. 15-Minute Open Session

Minutes:

Council Member Baker, who resides near the city shop, expressed concerns about the public works employees' work vehicles consistently being parked at the shop when he arrives home in the evening and leaves in the morning. He would like to know the reason why. Lane explained that the trucks are currently being left at the shop, due to recent issues. However, it was deemed inappropriate to address these issues in an open meeting. The matter will be further discussed in an executive session.

13. Book Of Complaints, Concerns And Comments

Minutes:

There were no new complaints, concerns, or comments.

14. Mayor And Council Review Of Old Business

Minutes:

Council Member Adams

- Johnson Water Contract: Inquired if the signed Johnson Water Contract had been received. Mayor Rowley confirmed that it had not yet been returned.
- School Sidewalk Update: She asked Lane for an update on the school sidewalk project. Lane reported that the project has been completed.
- Retirement Event for Irene Hansen: She provided information about Irene Hansen's upcoming retirement celebration, scheduled for December 17th from 11:00 AM to 2:00 PM at the Centennial Building, with lunch provided.

Council Member Bruton

- South Duchesne & Johnson Water Billing Concerns: He addressed concerns raised in a previous meeting regarding charges to South Duchesne and Johnson Water. After reviewing the contracts with Mayor Rowley, they determined everything was correct. Mayor Rowley explained that South Duchesne misinterpreted the contract, believing the rate was \$440 per acre-foot. However, the city correctly added the additional \$279 per acre-foot, meaning the city has been undercharging rather than overcharging. As a result, no refund will be issued. Mayor Rowley emphasized the need to coordinate with Pelorus to correct the billing system. Lane mentioned that Jessie Hyde from Central Utah Water will be meeting with him and Kim Hanson to go over this.
- Hogan Park Addendum: He reminded the Council that everyone should have received a copy of the Hogan Park addendum, with Council Member Hamilton taking the lead on this issue.
- Itinerant Merchant Draft: Inquired whether the draft ordinance had been reviewed and was ready to proceed. It is still under review.

- Farm Creek Road Water Issues: He inquired if there were any updates on this. There are concerns about delays in resolving the issue, as the spring season is approaching. Mayor Rowley plans to meet with Chris Bench to locate the turnout on Anna's property. The city needs an easement to install a water meter before next season. Bruton committed to following up with a phone call.

Council Member Hamilton

- Truck Traffic Rerouting: He proposed solutions for rerouting truck traffic from Indian Canyon (Hwy 191) to Hwy 87. He suggested:
 - 1 Engaging with UDOT to designate Center Street and 400 S as an alternate Hwy 191 route, or
 - 2 Moving Hwy 191 one block east, with UDOT assuming responsibility for road maintenance.
- Safety: There was discussion about safety with the park being along the potential truck route and possibly installing fencing for safety and exploring the purchase of Nelson Herrera's property to eliminate a T-intersection in favor of a safer lane turn.
- Increased Truck Traffic: He noted the state's projection of an additional 150 trucks per day, driven by increased oilfield production. This surge raises concerns about unsafe travel conditions and potential road damage.
- Lane's Infrastructure Concerns: Lane highlighted issues with 400 S and Center Street, where the road fluctuates by approximately 4 inches under truck traffic. He noted the presence of a water line beneath the road with no accessible shutoff, recommending the road be completely rebuilt before rerouting trucks. This would prevent costly future repairs that would burden the city and taxpayers.
- Truck Compliance: There was discussion suggesting imposing fines on non-compliant trucks to mitigate damage. The Council discussed the need to balance support for the oilfield industry with protecting city infrastructure and identifying funding sources for necessary upgrades.

15. Work Session

Minutes:

There was no work meeting.

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 7:07 pm and go into executive session to discuss personnel.

- 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: Myra Young

Contact: Myra Young (myoung@duchesnecity.com 435-738-2464) | Minutes published on 12/11/2024, adopted on 12/10/2024