



Special City Council Meeting

Minutes

Monday, August 18, 2025 at 6:00 pm

Agenda

A specially 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, Matt Skewes, Jenny Adams, Cody Ivie, and Jason Baker. Council Member Hamilton offered the prayer. Mayor Rowley led the Pledge of Allegiance.

Duchesne City Employee Attendees: Stephanie Skewes, Jessica North, Lane Genereaux

Public Attendees: Weston Despain, Elaine Despain, Heather Ivie, Jeff Crozier, Mandie Crozier, Dawnette Browning, Anna Dilello, Chuck Richins, Deborah Herron, Austin Nolden, Rose Nolden, Kimberly Malkogainnis, Trevor Bird, Caleb Thomas

2. Minutes

Minutes:

MOTION by Council Member Adams seconded by Council Member Ivie to approve the minutes dated 7/22/2025.

- Council Member Hamilton – Aye
- Council Member Skewes - 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 Hamilton, seconded by Council Member Skewes to pay the bills.

- Council Member Hamilton – Aye
- Council Member Skewes - 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 to report to the City Council.

5. Planning and Zoning

Minutes:

Nothing to report.

6. Javelin - Jeff Crozier - Airport FAA Approval

Minutes:

Jeff Crozier, representing Javelin, requested approval from the Airport Management and City Council for three proposed wells around the airport property. He presented a map showing existing wells (red) and three proposed locations (blue). These sites had prior approval, but their permits have expired. Jeff explained that while the FAA has issued favorable determinations, drilling cannot proceed without City approval under the new airport ordinance. He emphasized that Javelin's spacing requirements and drilling limitations make relocation difficult, though Mayor Rowley expressed concern that one proposed rig is directly in line with the runway glide slope, leaving only 20 feet of clearance between aircraft and the rig. The Mayor recommended relocating the rig further east or west for safety. Jeff and Mandie Crozier outlined the FAA's conditions, noting the agency suggested seasonal restrictions or limited drilling windows but acknowledged that rig height cannot be reduced once constructed. They also confirmed that permanent facilities already have FAA approval and that drilling operations would be temporary, lasting 18–20 days, with all rigs equipped with required lighting. The Mayor reiterated that safety must come first, citing risks during instrument approaches in poor visibility. Council Members Ivie, Hamilton, Adams, and Baker asked clarifying questions about flight volumes, FAA approvals, potential mitigation measures, and whether temporary changes (such as shortening the runway or shifting operations) could provide a solution. Mandie noted that Javelin's 2026 drilling program depends on these wells and that delays are preventing them from securing rig contracts. She also stated that while FAA cannot prohibit drilling, they require proper notifications to pilots (NOTAMs) and place liability on the operator. Javelin expressed willingness to cooperate with the City to avoid conflict and explore workable solutions. Council Members requested diagrams from J-U-B Engineers to better visualize the glide slope and clearance issues. Jeff agreed to investigate possible adjustments with Javelin's engineers and surface owners and requested to be placed on the September 26th City Council agenda for further discussion. The Council agreed to provide written email confirmation of approval for the other two wells to FAA contact Nathan Shelley while continuing to evaluate the third proposed location.

7. Old Farm Road - Elaine Despain

Minutes:

Elaine Despain addressed the Council and thanked them for hearing her concerns again. She referenced her email and exhibits showing the damage already caused to

her property by the utility project.

Elaine explained that when the project on her road began, the work originated in her yard with the relocation of utilities. However, the power line was ultimately moved to the far end of the easement, leaving no room for future repairs without encroaching on her property. She emphasized this creates long-term access and maintenance issues and could have been avoided.

Elaine expressed her frustration that she does not believe the City Council was fully informed about alternative options before the decision was made. She explained that she only discovered this after attending a council meeting herself, at which point the Mayor had already instructed the engineer not to pursue the alternative. She believes if the Council had been made aware, most members would have supported the less intrusive option, which would have reduced encroachment on her property and saved the city money.

She also questioned the justification of “safety concerns,” noting she has lived at the property for 32 years without ever seeing an accident at the location. She maintains her own trees to preserve visibility and believes trimming them would have been sufficient. Elaine expressed frustration that, instead, her trees were damaged by equipment operators who assumed they would be removed. The result, she said, is mutilated and unsalvageable trees that she never would have trimmed in such a manner.

Elaine stated that, under Utah statute, public utilities are required to restore or repair any fence, grass, soil, shrubbery, bushes, flowers or other low-level vegetation, sprinkler systems, irrigation systems, gravel, flat concrete, or asphalt damaged or displaced during utility work within an easement. She acknowledged that trees planted in the easement were at her own risk but stressed that her trees would not have been destroyed had the alternative route been chosen.

Council Member Baker said his decisions on projects have always been based on choosing the “least intrusive option.” He felt the alternative alignment was clearly the better choice and would have supported it. Elaine agreed and reiterated her belief that the alternative would have been fair to both sides and avoided unnecessary impacts. Discussion followed regarding the retaining wall, curb, and road. Elaine emphasized again that she wants it on record exactly what will be repaired or replaced. Specifically, she asked that the driveway be returned to cement, the blacktop patched with a clean straight cut rather than jagged edges, and the grass restored. She also expects four replacement trees for the damaged ones, as promised. She noted that her flagpole can be saved, though the cement base will likely be lost, and she understands that permanent fixtures in the easement are not protected. Council Member Baker confirmed with Elaine that she wants the damaged trees to be removed, she confirmed yes. Council Member Ivie confirmed that the alternative route for the sewer line will be placed in the redlining on the map (re-designment). Elaine wondered what condition the road will be left in. Chuck Richins, Horrocks Engineer explained that the road surface is already in poor condition and proposed using roto mill asphalt to patch the trench. Council Member Ivie clarified this project would only patch, not repave, the road. The road will need to be addressed later.

Mayor Rowley confirmed the City would ensure: Four replacement trees will be planted to replace those damaged, Elaine’s driveway will be restored with cement, The damaged curb will be repaired, The asphalt will be repaired with straight cut not jagged, The grass is restored, Any bushes on the corner damaged or removed will be replaced, If the retaining wall is damaged during the project, it will be repaired, oil spills

and other damage caused by equipment will be addressed.

It was clarified that the contractor is responsible for repairs outside the easement, while the City is responsible for restoration inside the easement.

Elaine concluded by asking again that all of this be clearly recorded so there are no disputes later. She thanked the Council for working with her but stressed she is standing firm to protect what remains of her property.

8. RESOLUTION 2025-05 CALLING RAP TAX ELECTION

Minutes:

Council Member Baker emphasized that the RAP tax is not a new tax. This 0.1% local sales tax, equal to just one penny for every \$10 spent in Duchesne has been in place for more than 10 years and is now simply up for renewal. The funds go directly toward supporting arts, parks, and recreation within the community. Baker clarified that the City is not increasing taxes but is required to place the reauthorization on the ballot every 10 years for voter approval.

City Recorder, Myra Young reminded the Council that they will need to prepare official argument language for the voter information pamphlet, emphasizing the importance of clearly explaining to residents that this is a renewal, not a tax increase.

MOTION by Council Member Ivie, seconded by Council Member Hamilton, to approve the Resolution 2025-05 Calling RAP Tax Election.

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

Motion carried by unanimous vote.

9. 15-Minute Open Session

Minutes:

- Anna Dilello has respectfully requested an executive session with the City Council to be held in early September, regarding pending litigation related to issues the residents of Old Farm Road have encountered. The request is directed to the City Council only excluding the Mayor. The meeting is tentatively scheduled for Wednesday, September 3, at 6:00 p.m.
- Deborah Herron, representing the Duchesne Arts Council, provided an update on the upcoming sculpture art show, with artwork scheduled to arrive and be set up at the Duchesne Welcome Center on Wednesday, August 20th. The exhibit will be open on Mondays and Saturdays, and Deborah assured the Council that there will always be a representative present during open hours.

A VIP reception for city personnel and elected officials is scheduled for Friday, September 12, with additional evening receptions planned. Invitations will be sent out to all.

Council Member Adams asked if liability forms would be available for participants/artists to sign. Deborah confirmed they would and requested that someone from the city accept the signed forms. Mayor Rowley noted that the City had not yet seen the wording of the liability release. Deborah explained that she had provided

documentation to Council Member Ivie and Carl for review, the wording contains that the artists would assume full responsibility for the artwork and would not hold the City liable for any damage to the art. Mayor Rowley reminded her that the City also requires assurance that any damage to City property would be covered. Deborah agreed to provide additional documentation before the exhibit begins.

Insurance coverage and security were discussed. Deborah explained that the artwork would be secure, as the building would be locked and cameras were in place. Mayor Rowley asked who would be responsible for managing the keys to the Welcome Center. Deborah confirmed she would take responsibility on Saturdays, while another Arts Council member would cover Mondays. She committed to ensuring accountability and said keys would be checked in and out using the City's drop box system, with the city office recording who is responsible at any given time.

- Austin Nolden, a resident on Old Farm Road across from Elaine Despain, asked whether his trees would also need to be removed. Mayor Rowley responded that he did not believe the trees would be affected unless they are determined to be a safety hazard. Mr. Nolden explained that he had already planned to trim the trees but did not want to pay for the work if they were going to be removed. He confirmed that he will move forward with scheduling the trimming.
- Chuck Richins with Horrocks Engineering asked about the plan for sleeves on Old Farm Road. He reminded the council that they had previously discussed installing sleeves at strategic locations to avoid future asphalt cuts and asked if that was still the plan. Mayor Rowley confirmed that it was. Council Member Ivie supported installing them.

Mayor Rowley added that the system will have to be pressurized, even though some have hoped it could be done differently. Chuck agreed, stating it cannot function by gravity and must be designed as pressurized unless a new design is produced. Mayor Rowley asked how many sleeves are planned, and Chuck confirmed about four or five. Council Member Hamilton asked where they would go. Mayor Rowley explained there would be 8-inch sleeves installed perpendicular across the road so utilities could connect without cutting through the asphalt later.

- Chuck then raised questions about outstanding invoices. Mayor Rowley confirmed that invoice #93722 had been paid, while Chuck clarified that another \$29,000 invoice will be reimbursed through CIB funds. He also noted a \$490 invoice related to GIS work adding storm drain data for Main Street, the school, and other locations, and producing updated utility books. Mayor Rowley confirmed this was correct, and Chuck provided the invoice to Jessica North for payment.
- Chuck explained that today the sewer line installed on Old Farm Road is too high for the residential laterals to connect properly. According to the plans and preconstruction meetings, the contractor should have verified depths to ensure proper flow before installing the sewer. Now, they may need to re-lay portions of the line. The only options are to either drop the line further along the sidewalk toward Scotch Pine or force residents to install pumps which one resident has already said is unacceptable.

He concluded that while this is generally a good contractor he has worked with before, this mistake has caused major setbacks. The likely fix will be to install a new, deeper manhole near the existing one on Highway 87, then tie into the system properly.

However, going down the sidewalk could mean removing two of Elaine Despain's pine trees. Chuck stressed that this problem rests solely with the contractor, as it had been clearly discussed multiple times before installation began.

- Lane Genereaux brought up the recent \$18,000 payment to Barco for park tables and asked if RAP Tax funds could be used for the expense. The Council agreed that RAP Tax funds would be used to cover the purchase.

Lane's next question was about setting a dollar threshold for purchases that require prior City Council approval. Mayor Rowley explained that if an expense is already in the approved budget, he has authority to approve amounts up to \$80,000 before seeking Council approval. Lane felt there should still be a spending limit requiring oversight to ensure accountability. The Council clarified that employees should always obtain approval for large purchases through their supervisor or the Mayor before moving forward.

Lane noted this concern was raised because Zack is looking into another major project: upgrading the lights on the northwest baseball field. A bid is pending. Council Member Baker asked if the new lights would be more efficient, and Lane confirmed they would. Council Member Ivie asked about field usage at night. Lane reported increasing demand, particularly for softball tournaments, and explained that one tournament had gone elsewhere due to a lack of lighted fields. He emphasized that upgrading would attract more teams and visitors.

Mayor Rowley added that the bigger issue is the aging wooden poles, many of which are more than 40 years old, and their safety is uncertain. Council Member Skewes noted replacement parts for the current lights are no longer available. The group agreed that upgrades are necessary.

Lane asked whether employees should bring project ideas directly to him or present them to the Council. Mayor Rowley suggested that employees present projects at Council meetings, giving both visibility and input. Lane agreed, saying he would like to see staff more engaged in this way.

Treasurer Stephanie Skewes added that she provides updated budget information at one Monday meeting each month, which helps staff stay informed on available funds.

10. Mayor and Council Review of Old Business

Minutes:

- Council Member Ivie asked for clarification regarding building permits in Duchesne Townsites (D-Hill), noting his understanding that no permits were being issued until the city completed the water and sewer project. Mayor Rowley explained that two permits had already been issued, and according to Cody Fisher, the city cannot legally deny building permits. Mayor Rowley noted that the two residents involved stated they would not be seeking occupancy for at least a year, and he informed them that sewer and water service would not be available until then.

Council Member Ivie asked whether the city was guaranteeing future connections. Mayor Rowley clarified that while the city can manage the water connections internally, the sewer project will require contractors. Chuck Richins expects the project design to be completed soon, with bids anticipated by September or October. There was discussion that it may not be completed within the year, there is no way to guarantee a timeline.

When asked about funding, Mayor Rowley confirmed that financing is in place, contingent on receiving a required tribal letter.

City Recorder Myra Young requested directions for office staff on handling these situations. Mayor Rowley instructed that staff should continue issuing permits but require applicants to sign a statement of understanding.

It was also discussed that septic systems will not be allowed, and once the sewer project is completed, all properties will be required by city ordinance to connect to the city sewer system.

- Council Member Ivie revisited the idea of conducting a water study to tie sewer rates to water usage. He asked where the city currently stands on this issue and what steps need to be taken to move forward. Ivie emphasized that the council has discussed this multiple times and believes it is important to address now, particularly to prepare for potential system impacts from future growth. He noted that having sewer rates tied to water usage would also help mitigate situations such as residents living in campers on private property, since additional usage could then be charged fairly through sewer fees.

Mayor Rowley responded that the larger concerns currently come from high use facilities such as schools, churches, and event centers, and those should remain the immediate focus. Ivie then asked City Engineer Chuck Richins what would be required to change the city's sewer rates.

Chuck explained that while they are currently working on the Master Plan, it does not include this specific study. However, it could be added for an additional cost. He noted that if the council is considering impact fees, the process is lengthy, likely around six years, and that those funds would be restricted for use on system improvements. City Treasurer Stephanie Skewes added that any fees collected would need to be placed in an interest-bearing account, such as a PTIF.

Mayor Rowley clarified that what is needed now is not an impact fee study, but a water usage study that would allow sewer rates to be tied to water consumption. Chuck confirmed that Rural Water could conduct such a study for free. He also explained that the study must demonstrate a system deficiency or the impact of new development, to justify fee adjustments.

Ivie stressed again that his intent is specifically to tie sewer rates to water rates. Mayor Rowley agreed that this approach would simply require analyzing current usage numbers and adjusting rates accordingly, rather than pursuing the more complicated impact fee process.

Lane was asked for input but stated he would need to review his notes. Mayor Rowley added that he had already spoken with Kurt about the matter, and Lane indicated he had also had some related discussions.

Council Member Ivie noted that it is possible the city is already generating enough revenue from sewer fees, but he would still like the matter to be researched further.

Mayor Rowley pointed out that the city also generates strong revenue from the dump station. Ivie requested that staff follow up with Kurt again to determine what is needed to proceed with the study.

- Council Member Adams asked how the Dedicated Hunter Project went. Council Member Skewes reported that it went well, with volunteers assisting on Wednesday and Friday alongside the regular employees. Mayor Rowley added that the group did a great job and the results looked good.

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Adams also thanked Lane for putting up the “No Commercial Vehicles” sign near Wilkins’ home, noting it has made a significant difference by preventing large trucks from parking there. Lane gave credit to Jay, explaining that he was the one who installed the sign.

- Adams then asked if 800 North had been graded following the last council meeting when Susan Hamilton raised concerns about the poor condition of the road. Lane responded that this was the first he had heard of the issue.

11. Work Session

Minutes:

There was no work session held.

12. Executive Session

Minutes:

There was no executive session held.

13. Adjournment

Minutes:

MOTION by Council Member Ivie seconded by Council Member Hamilton to adjourn the regular City Council meeting at 8:08 pm.

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

Motion carried by unanimous vote.

Attest

Myra Young, Recorder:

