



Regular City Council Meeting

Minutes

Tuesday, December 10, 2019 at 6:00 pm

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

Minutes:

Mayor Rodney Rowley conducted the meeting. City Recorder, Kim Riggle, took minutes. City Council Members present were Jason Baker, Dawnette Browning, Bryce Hamilton, Jeannie Mecham, and Danny Peatross.

Public Attendees: Lane Genereaux, Susan Hamilton, Stan Wisniewski, Ella Hamilton, Danita Hinton, and Deb Herron.

Council Member Dawnette Browning offered the prayer.

Mayor Rodney Rowley led the Council and Public in the Pledge of Allegiance.

MOTION by Council Member Mecham, seconded by Council Member Hamilton to approve the minutes from November 26, 2019.

- Council Member Baker – Aye
- Council Member Browning – Aye
- Council Member Hamilton – Aye
- Council Member Mecham – Aye
- Council Member Peatross – Aye

Motion carried by unanimous vote.

2. Bills

Minutes:

MOTION by Council Member Browning, seconded by Council Member Mecham to pay the bills.

- Council Member Baker – Aye
- Council Member Browning – Aye
- Council Member Hamilton – Aye

- Council Member Mecham - Aye
- Council Member Peatross – Aye

Motion carried by unanimous vote.

3. Charges and Credits

Minutes:

The Council reviewed the charges and credits report.

4. Business License

Minutes:

There were no business licenses at this time.

5. Public Hearing- Water Management & Conservation Plan

Minutes:

Mayor Rowley opened the public hearing at 6:09 pm.

- Council Member Hamilton asked why the public hearing was listed before Water Management and Conservation Plan on the agenda. Mayor Rowley and Kim Riggle explained that the Council would vote to adopt the plan after the public hearing.
- Council Member Peatross asked if Chuck Richins (Horrocks Engineers) put the report together and for what purpose. Lane Genereaux (Head of Duchesne City Water Department) explained the report is required to be submitted every 5 years to the State of Utah (Department of Environmental Quality, DEQ). Because Duchesne City is such a small system, the report is very basic and only includes a map with all the residential and commercial connections and a structure rate or pyramid showing an increase in rate according to the amount of water used for each customer. He explained that the State is looking to make sure Duchesne City is making an effort to comply with regulations. Council Member Peatross commented that the report looked like a description of the existing system and future needs including problem areas. Lane agreed and said the City's needs are not extensive but do include leaking sewer lines, infiltration, and leaking water lines. Council Member Peatross asked who receives the adopted report. Lane said the State (DEQ) requires the report.
- Council Member Peatross clarified dates on the projects listed on page 4 for the spring of 2019 and asked if some of these projects were completed or would be. Mayor Rowley explained that one of the projects kept getting moved back. Council Member Peatross asked if the dates needed to be

updated or if it was not an issue. Lane explained that it was not an issue and that the State just wanted to know that Duchesne City was moving forward with some things. He said the State is aware that some things will have to be tabled. This report has actually been sent to the State for their review and was sent back to the City to have a public hearing and get adopted. The report currently in front of the Council is the final draft ready for review and adoption.

- Council Member Browning asked about water usage over the last 5 years (page 3) and if the fluctuation in those numbers was accurate. Lane explained the difference between the figures for 2013 and 2018 was partially influenced by the oil boom. Additionally, in 2018 the fill station was not included in the overall usage because he did not feel there was enough information to justify including the numbers in the report. Only the residential usage was included in the 2018 calculations.
- Council Member Hamilton asked about page 4 item 4. Phase 2 was listed twice. Lane said the second phase 2 was a typo and should be phase 3. He will make sure Chuck Richins is aware of the mistake and have it corrected. Council Member Hamilton wondered if clerical errors could be corrected without having a whole new hearing. Mayor Rowley agreed.
- Council Member Browning said there was an "at at" in item 2 on page 4.
- Council Member Hamilton discussed the wording on page 1, third paragraph, last sentence. The way the sentence is structured it implies South Duchesne Culinary Water, Inc. is supplying Duchesne City with 450 gpm. The way the rest of the document is structured there shouldn't be any mistake as to who is supplying the water.
- Council Member Hamilton asked about the explanation below the rate table on page 5. Are the water rates increased over time to discourage over-usage? Lane explained that that language is used to allow the City to increase the water rates at its discretion without having to go back to the State and resubmit the report before the 5 years is up.
- Council Member Hamilton asked if the City is required to do all the conservation measures outlined in the report. Lane explained that the report lists things that the City could do if the funds are available. Council Member Hamilton commented that the way the report was written encourages Duchesne City to use less water than it has rights to and the excess will be used elsewhere. Lane explained that the water conservation plans are really designed to reign in water users on the Wasatch Front. Council Member Hamilton said Duchesne City should hang on to as many of its water rights as possible. Mayor Rowley said as much water as possible should be used to be

able to maintain those water rights. Lane explained that Duchesne City changed its water rights to say that the water was being used for either irrigation or sent to the treatment plant to produce culinary water. This ensures that all the water rights being used are accounted for and the water can be used wherever Duchesne City needs it.

- Council Member Peatross asked if Duchesne City has ever had to file a proof of beneficial use. Mayor Rowley explained that although Duchesne City has completed its 40-yr plan, the City had the option to put off filing with the State because it wasn't using all of its water rights. With the way the State has restructured water management, municipalities have 40 years instead of 5 years to prove usage. Council Member Peatross asked if the 40 years began when the water right was established. Mayor Rowley explained the time began when the legislature put the water rule plan into place in 2015 and municipalities have 40 years from the date a plan is filed with the State. Municipalities have been treated a little bit differently than other entities over the last 5 years when the State implemented the new management plan. Council Member Peatross asked if Duchesne City's water right could ever be contested. He then commented that anything could be contested and Mayor Rowley agreed.
- Council Member Hamilton commented that it didn't look like there was much opposition to this plan, referring to the number of people in the audience asking to speak at the hearing.
- Mayor Rowley asked if anyone else had any comments. There were no more questions or comments. The public hearing was closed at 6:19 pm.

6. Water Management & Conservation Plan

Minutes:

MOTION by Council Member Hamilton, seconded by Council Member Browning to adopt the Water Management & Conservation Plan as written with grammatical corrections as discussed.

- Council Member Baker – Aye
- Council Member Browning – Aye
- Council Member Hamilton – Aye
- Council Member Mecham - Aye
- Council Member Peatross – Aye

Motion carried by unanimous vote.

7. Kinder Morgan Airport Easement

Minutes:

Stan Wisniewski distributed a summary of the easement proposal to the Council with exhibit A showing the original proposal. Because of a planned water tank and water lines, an alternative proposal, exhibit B, is also being considered. This new easement would run along the south side of the airport access road on airport property. Exhibit C shows an existing easement on airport property but may not be sufficient to support an additional pipeline. This easement is currently being surveyed. There is also a time crunch because the new well on the EP parcel is going to be drilled within the next 2 weeks. If the existing right of way in Exhibit C can be used then Kinder Morgan would only need right of ways on the north and south ends of the strip and some temporary work space along the right of way. Council Member Peatross clarified that the easement would be on the east side of the fence. He also expressed concern that often easements of this kind come with overhead power lines. Stan said language could be included that says no above ground appurtenances. There would likely be a tie-in valve on the north and south ends but would not be anything substantial above ground. He will make sure the agreement will be written accordingly.

Council Member Peatross said the document brought before the Council last month showed a 30 ft easement on the map but the agreement actually said it was 40 ft. Stan said his supervisor, Cameron, and Mayor Rowley agreed to some changes. Stan distributed new documentation for the Council to review.

Council Member Browning asked for clarification on what is now being proposed. Mayor Rowley explained the differences between the old and new proposals. He said the new proposal is probably better for the City because the pipeline will run in the existing easement. Stan was not sure if the original easement was 30 ft or 40 ft.

Council Member Hamilton commented that Kinder Morgan will have to cross the road. They will have to get a road crossing permit from the entity that has jurisdiction.

Council Member Browning asked for clarification about the price Kinder-Morgan is offering for the easement. Stan is not sure because the final calculations can't be figured until the surveys associated with Exhibits B and C are complete.

Council Member Hamilton asked for clarification on where the line is actually being run. The proposal on Exhibit A does not work because the Central Utah Water Master Plan includes a 2 million gallon water tank right where Kinder Morgan wants to run their pipeline. The Council discussed where the pipeline will actually run.

Council Member Peatross asked if the legal description has been updated. Stan said it had not been updated yet because these changes were talked about only this morning.

Council Member Peatross asked what Stan needed from the Council. Stan said the feasibility for running the pipeline in the existing easement (Exhibit C) is still being worked out. He wanted the Council to be aware of any changes that might need to be made and help everyone be on the same page.

Council Member Hamilton suggested that JUB be consulted to look at the proposal to make sure there isn't anything that will conflict with the ongoing airport project.

Council Member Browning asked if there needed to be a motion to give the Mayor authority to sign an agreement since there won't be another Council meeting before the end of the year. Mayor Rowley said a motion was needed.

MOTION by Council Member Hamilton, seconded by Council Member Baker to allow Mayor Rowley to sign an agreement with Kinder-Morgan upon a positive outcome of meeting with JUB.

- Council Member Baker – Aye
- Council Member Browning – Aye
- Council Member Hamilton – Aye
- Council Member Mecham - Aye
- Council Member Peatross – Aye

Motion carried by unanimous vote.

8. East Duchesne Water Bill

Minutes:

Mayor Rowley distributed a copy of the East Duchesne bill that was compiled in December. He explained that East Duchesne has been going over their water right. Council Member Peatross clarified that this information is verifiable. Mayor Rowley explained that this information is based on the report produced by the water treatment plant. Council Member Browning asked if Duchesne City had an agreement in place. Mayor Rowley said there was an agreement in the past when Duchesne City and East Duchesne were in the Starvation Users Group but this group was dissolved several years ago and Duchesne City has not been in an agreement with them since then. Council Member Peatross asked if this bill represented a significant water use. Mayor Rowley explained it was not a significant amount of water but he wanted to make the Council aware of what was going on between the City and East Duchesne. He will be attending their next meeting and sitting down to talk with them about this issue. Council Member Mecham asked if a contract was needed. Mayor Rowley said a formal agreement needed to be in place so Duchesne would be paid fairly for the water being used. Council Member Baker said they shouldn't be treated any differently than any other water user the City sells water to. Council Member Mecham wondered why Duchesne City doesn't have an agreement in place with East Duchesne. Mayor Rowley is not sure why there is

not a contract in place with East Duchesne when there is one in place for every other entity Duchesne City deals with.

9. Planning And Zoning

Minutes:

Deb Herron reported that Planning and Zoning is working on a public survey that will be included in the General Plan. Cody Ivie found a guide produced by the CIB (Community Impact Board) to help guide entities through the General Plan process. Council Member Peatross asked when the public survey will be ready. Deb said she hopes to have a draft ready by the beginning of January. Once the draft is approved in P&Z it will be brought to the City Council for review and approval and then will go out to the public. Danita Hinton found a website that gives suggestions on how to conduct a dynamic survey that can be used over time to monitor progress on improvements within the city. Council Member Peatross asked if the survey would be available online. Deb said she would like to have the computer crunch the information as much as possible but she recognizes that not everyone is tech savvy so a paper version will be available. The biggest challenge will be to get people to respond so good data can be obtained.

Council Member Peatross asked for clarification about an item included in minutes from the November 18 meeting where Civco and Sunrise Engineers discussed the switchback trail suggested by the Mayor and City Council. Deb explained that the engineers had drawn the trail on the map going straight down Hillside Ave. all the way to Hwy 87. However in other discussions with Mayor Rowley and the City Council another route had been proposed that dropped off of Hillside Ave onto Duchesne Ave (a platted street, but not developed) and into the residential area on 200 N. The engineers are going to include this option on the County's Trails Master Plan.

10. 15 Minute Open Session

Minutes:

- Susan Hamilton approached the Council to discuss the purchase of Blk 12 Lot 54 by Joe Haslem. He would like to place a modular home on the property as a spec home. Joe is requesting a letter from Duchesne City stating that the lot is large enough to build on. Deb Herron will get the letter prepared and sent to Susan's office.
- Danita Hinton reported on what has been going on in the Arts Council.
 - The last Arts Council event happened on December 5 at the Centennial Building. The event was a great success and included a performance by the Community Orchestra, a paint night for adults and children, and

free arts and crafts provided by the FCCLA High School club members.

- There will be an event organized for New Year's Eve from 8 pm-12 am. The country western band Silver Strands will perform. This is a free event open to all families, couples, singles, old and young with babysitting available.
- Mona Farnsworth is the President Elect and will take over next year as President of the Duchesne Arts Council.
- Mayor Rowley commented that he attended the Community Orchestra's performance and was very impressed with the quality of the music and sound. Danita said that the Arts Council helps fund the Orchestra's music budget.
- Council Member Mecham clarified that the 15 Minute open session is limited to 15 minutes total. Each person presenting is limited to 3 minutes. If an individual needs more time then he/she needs to be on the agenda.

11. Book Of Complaints, Concerns And Comments

Minutes:

There were no new complaints.

12. Mayor And Council Review Of Old Business

Minutes:

- Mayor Rowley attended a luncheon today about how the State Tax Reform Bill will affect the Uintah Basin. There are shortfalls in every tax category except the taxes earmarked for education which has a \$2 billion excess. This new tax reform should lower taxes overall.
- Mayor Rowley met with the County Commissioners, DEQ, and DCWCD to discuss the problems with and the potential purchase of the South Duchesne Culinary Water, Inc. The Council discussed the problems with the system and concerns with purchasing the system.
- Council Member Peatross asked about Matt Skewes looking into disposing of unwanted cats. Mayor Rowley said Matt is still looking into this issue. The Mayor said Matt catches quite a few house cats and needs help from the neighborhoods in catching only the feral cats.
- Council Member Peatross asked about the grant for the trail alongside Hillside Ave. addressed in the minutes from the last City Council meeting. Mayor Rowley explained that the grant is from an Outdoor Recreation Group which is a 50% grant 50% match.
- Council Member Peatross asked about the EP Energy agreement. Mayor Rowley explained that he is concerned that EP is going to tear up the road

that Rocky Point uses to access their water pipe. Mayor Rowley is going to include language that will ensure EP takes responsibility for maintaining the road.

- Council Member Peatross asked if the letter to the Ute Tribe that was handed to the Council last month was delivered to the Tribe. Mayor Rowley said it was sent. Mayor Rowley is not sure how long it will take to get a response.
- Council Member Browning asked about the bowling alley and if anyone has been hired to manage it. Mayor Rowley said they have not hired anyone as a manager yet but they have hired Noah Spotten to help out. No one under the age of 18 is allowed in the back. Council Member Mecham asked if it was cost effective to have 3 people working together. Council Member Hamilton asked if the mystery of the missing groceries was solved. Mayor Rowley said there was no proof that groceries ever went missing. Council Member Browning asked about hiring Christine as the manager and how the nepotism rule applies. Council Member Baker suggested the Council seriously consider an alternate use for that building. The Council discussed what else the building could be used for and how to make the change. Mayor Rowley suggested a survey be sent out to get public feed back. Council Member Browning said the Recreation District will probably start meeting again after the new year begins. They had talked about sending out a survey.
- Council Member Browning said the Business Alliance has changed its meeting time. It will now meet on the 1st Tuesday of each month at 5 pm.

13. Work Session

Minutes:

There was no work session.

14. Executive Session

Minutes:

There was no executive session.

15. Adjournment

Minutes:

MOTION by Council Member Baker, seconded by Council Member Browning to adjourn at 7:23 pm.

- Council Member Baker – Aye
- Council Member Browning – Aye
- Council Member Hamilton – Aye
- Council Member Mecham - Aye

◦ Council Member Peatross – Aye
Motion carried by unanimous vote.

ATTEST

Rodney Rowley, Mayor _____

Kim Riggle, Recorder _____