



Regular City Council Meeting

Minutes

Tuesday, July 28, 2020 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

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, Gerald Argyle, Max McLean, Valorie McLean, Shelly Grant, Shaun Cayias, Marisa DeFA Smith, Allen Rydman, Jeremy Bristol, Kevin Davis, Bobbijo Casper, Kristin Christensen, Christy Smith, Clint Park, David Herron, Samuel Herron, RJ Stansfield, Susan Hamilton, and Deb Herron.

Council Member Bryce Hamilton offered the prayer.

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

MOTION by Council Member Browning, seconded by Council Member Mecham to approve the minutes from July 14, 2020.

- 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. Business License

Minutes:

Kevin Davis approached the City Council to ask for a business license for Davis Pawn and Loan located at 22 E Main. He is planning to open after he receives his FFL. He hopes to have that license in the next few weeks. He plans to be a full-service pawn shop. Mayor Rowley said he would like to have a ribbon cutting ceremony when the pawn shop opens.

MOTION by Council Member Hamilton, seconded by Council Member Baker to

approve the business license for Davis Pawn and Loan.

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

Motion carried by unanimous vote.

3. July 4th Celebration Fireworks - Christy Smith

Minutes:

Christy Smith approached the Council to discuss the July 4th firework show. The fireworks cost \$3500 and the Lions Club breakfast generated about \$1400. Christy was under the assumption that the City would donate \$1500 to help pay for the fireworks but only received \$100. Council Member Peatross asked if that amount of shortfall is typical. Christy was not sure. She expressed concern that the Lions Club would not receive any other donations this year because of the economic situation. Council Member Browning asked if the City pledged to donate \$1500. Christy does not remember when the City agreed to donate that amount but in the future she will need to know how much the City is willing to pay before she purchases the fireworks. Council Member Browning asked Kim Riggle how much the City donated the last time and it was \$100 so that's how much she told Kim to send. Council Member Hamilton suggested the City donate the \$1500.

MOTION by Council Member Hamilton, seconded by Council Member Meham to give the Lions Club \$1500.

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

Motion carried by unanimous vote.

Christy asked if she should cash the \$100 check or get a new one cut. Kim said to cash the check and she would make out a new one for the remaining \$1400.

4. Gateway Health and Wellness Special Service District- Inter Agency Agreement Resolution 20-2

Minutes:

Mayor Rowley asked the Council to review the resolution. Council Member Peatross asked about the regular reoccurring maintenance of the buildings. He wondered if this will referred to the lawn care and unplugging toilets. Mayor said it does cover those costs. Council Member Peatross then asked about who would be responsible for the maintenance and replacement costs of lawn mowers. Mayor Rowley said the \$52,000 lease would be responsible for those costs. Council Member Hamilton said

this resolution was just an agreement to enter into an agreement later. Tonight's resolution is to show support for the creation of the special service district. Mayor Rowley read the resolution out loud. Council Member Peatross asked about the version of the resolution that Mayor Rowley read. It did not match the 2nd version he received via email this afternoon. The Council made some changes during the work meeting at 5 pm. The Council briefly discussed those changes making the District responsible for the maintenance and utilities. Council Member Hamilton said this is a broad agreement so the district can move forward with getting on the ballot this fall. The Council finalized the changes and Deb Herron went out to the office to make the changes on the official copy and print a new version. Kristin asked if the parks were on culinary water and if so would it be possible to switch over to secondary water. Mayor Rowley said the parks were on culinary water right now but if the system were switched to secondary it would need to be filtered. Council Member Peatross pointed out that any filter on a secondary watering system would need to be checked every day and that sprinkler parts wear out faster. Mayor Rowley asked Kristin if the District was okay with the new version. She accepted the new version.

MOTION by Council Member Peatross, seconded by Council Member Hamilton to pass Resolution 20-2 as written.

- 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.

5. Planning And Zoning

Minutes:

Deb Herron reported on the July 27th meeting. - The Commission discussed the Community Open House held on July 20th. There was a good turn out and the meeting went well. There will be a similar meeting held for stakeholders and businesses. Danita Hinton designed invitations that will be printed and delivered to businesses in town. The Commission briefly discussed the data collected from the survey to date. Since there have only been 37 surveys filled out so far, the Commission didn't discuss the data in depth. The P&Z Commissioners will have a booth at the County Fair to generate more interest and awareness. After the Fair, Planning and Zoning will begin analyzing the data from the survey and writing the general plan.

6. 15 Minute Open Session

Minutes:

- Mayor Rowley read the preamble for the 15-minute open session found on the agenda and invited anyone who wanted to address the council to step forward.
- Shelly Grant who lives at 645 E 400 N, is asking the Council to deny the proposed trailer park at 400 N between 600 E and 700 E as quoted in the City Council minutes from the June 9th meeting. Shelly only touched on several code violations.
 - Point one: The site plan should have been denied solely on the fact that the land is currently zoned Residential Agricultural not Commercial 2 which it would have to be in order to place a trailer park (10-8-B2). In order to place a trailer park in a Residential Agriculturally zoned district it would require at least 10 acres of property as to not put any devaluation of property to any adjacent land owners (10-11-23). When she found out later on that it was going to be used as a temporary trailer park, title 9 definitions state that three or more trailers put in one development would need to be permanent and would be considered a manufactured home park.
 - Point two: The "manufactured home" placed currently on the property does not meet codes as a manufactured home but was designed for industrial housing on a job site, basically a "man camp". No permanent foundation has been placed and the current water and sewer connections do not meet any code for manufactured housing. The property itself has been on a septic system which does not meet current city codes as well. Setbacks that are 20 feet not 15 feet (with the 10 ft street vacation) are required unless the property owner went to the Board of Adjustment and received a variance which has never been on record. This also goes against Duchesne City code 10-13-2B, Utah code 15A-1-303 and 70D-1-20 and the National Manufactured Housing & Safety Standards Act of 1974.
 - Point three: In order to have a trailer park or Manufactured Home park in the City limits a business license is required and in order to apply and receive a business license, the owner is under obligation to meet all City ordinances and all housing codes (10-13-2F). The fact that the property owner has moved one of these "man camps" onto the property already is a direct violation of several city ordinances including but not limited to the previous two point as well as the ordinance that each single family dwelling must be a minimum of 1050 square feet (10-13-2). Since it is not a licensed manufactured housing park or trailer park, that dwelling must meet those building codes for a single family dwelling.
 - Point four: Around 15/20 years ago a trailer park was proposed for the aforementioned property by the owner then, Ms. Susan Hamilton. She was denied then as per City ordinances so all future proposals for the trailer park should have been denied immediately. The Planning and Zoning Commission and the City Council overturned not only a previous

council's decision, but also violated City ordinances by approving a site plan which in turn opens the City up to prosecution by the former land owner.

- Point five: It has been suggested that since a trailer park had been in place 35-40 years ago that it should be allowed for future trailer parks. This is completely incorrect as it was an illegal trailer park to begin with. Even if you want to argue that no business licenses could be found, according to City ordinance, any permit or license that lay dormant for more than one year, regardless of ownership, that the property in question reverts back to the current zoning district regulations which is agricultural residential.
- Shelly expressed her disappointment in the current City Council, Mayor and P&Z Commission for their blatant disregard in upholding the City ordinances and their ill-advised, politically incorrectness in making decisions that hurt citizens in this city. She said she was a true "Duchesne-ite" through and through born right here in Duchesne in the old clinic. She expressed her love for this town. She feels like the City Council picks and chooses who follows City ordinances and who doesn't which represents "Hill Billy" politics. She was highly offended that the Council willfully and knowingly want to "screw" she and her husband over. She is in the process of building her forever home which she waited 21 years for and feels like this decision has devalued her property before she has even finished laying the first lumber. She believes there is a plethora of evidence available that discredits any claims that the land owner or the City Council to justify the decisions made thus far. She asked that her points be taken into consideration and that the proposed trailer park be denied emphatically and completely. She also asked that this matter never be brought up for decision again.
- Council Member Hamilton asked for a copy of Shelly's prepared statement. Shelly said she would share her notes after she re-typed them.
- Bobbijo Casper, 626 E 500 N, said she attended the June 9th meeting and the trailer park was not on the agenda. She attended that meeting to talk about the trail up the dugway (Hillside Ave.) and when she saw that there was nothing else on the agenda, she left the meeting early. Looking back at the minutes, she noticed that a motion was made and commented that the City Council cannot make a motion on an item that is not on the agenda. Therefore, the motion was not legal. She asked if any of the Council Members had been up to see the trailer. No Council Members had seen the trailer yet. Bobbijo said the trailer looked horrible. She also commented that Planning and Zoning minutes are not posted on the Utah Public Notice website so the public is not aware of what took place at the Planning and Zoning meeting. She believes those minutes are required to be posted on that website. Finally,

in the Envision Duchesne meeting on July 20th, she doesn't remember anyone saying that they wanted more trailer parks.

- Valorie McLean lives at 682 E 300 N. Until yesterday, she knew nothing about a trailer park being put in her neighborhood, then she saw an industrial "man camp" being rolled off of a truck. Today she has done a lot of research on the City ordinances. According to her interpretation, the zoning regulations do not include trailer parks as a permitted use. She also feels like the public should be notified better. She signed up to receive notifications from Utah Public Notice website for Duchesne City Council meetings and sometimes the notifications pop up at 12-12:30 am and say that there is a meeting at 1-2 am with no agenda attached. Had she seen that there was a proposed trailer park going in next to her house, she would have been at the meeting to let the Council and Planning and Zoning know that it is not a good thing for our community. She believes trailer parks devalue the surrounding properties. Additionally, she believes this is a temporary planned use and it looks temporary. She also noted that when she called the city office today, she was told that the land owner was not required to get a license and according to City code an owner of a manufactured home park is required to apply for and get a license. She respectfully asked that the Council consider the people of the community that live in the area and how this trailer park will devalue their homes. She also asked the Council to think about how they would feel if a man camp came into their neighborhood. She believes affordable housing is important but she does not believe this is the way to achieve it. She filled out her general plan survey and she does not see this as part of what she envisions Duchesne to be.
- Sean Cayias, at 372 N 600 E, believes this is a "man camp" trailer. He said whatever you want to call this development, it is a "man camp". He looked up the manufacturer and took a picture of the data tag on the trailer itself and determined it is made by a company out of Salt Lake City. He believes this particular trailer has been in North Dakota and Colorado and is now here in Utah. He told the Council that this is not what anyone wants in the neighborhood and this matter should have been brought to the attention of the neighbors because they are affected by this decision. There are 15-20 children living in the neighborhood including RJ's (Stansfield) who run up and down that dead end road. Shaun believes that if four additional units are put on that road, there will be an extreme amount of traffic in that area throughout all hours of the night because of rotating shifts of the railroad workers. When Shaun looked on the company's website, he discovered these buildings are for industrial use such as job sites, oil field residences, office buildings, health care clinics, but not residential use. His biggest concern,

outside of property values, is for the kids. He doesn't want to be stereotypical, but wondered what kind of people will be coming into the area. He asked the Council, "Would you want this next to your house, especially without being notified first?"

- RJ Stansfield began his comments with an apology. He didn't mean to cause such a riot. To clarify, RJ explained that the trailer brought in and scheduled to be the first trailer set, has never left the state of Utah. It came from Kamas where a family was living in it while they built their house. It has a kitchen, 2 bedrooms and 2 bathrooms. The only difference is it came in on skids instead of on wheels. He also explained that the site plan has two single wide trailers and a couple of double wide trailers. He understands the neighbors concerns and is glad these concerns were brought to his attention. He lives on the street also and if he was worried about devaluing property, he would be the first one to get hit. He also has kids and will be very particular about who he allows to rent the trailers. He apologized for not bringing this matter to the attention of his neighbors. He didn't want to cause such a big fuss because he has to live next to these people too. As the property owner, he wanted to do something with his property that he thought would benefit the community. When he finished, he said it would not even look like what it does now.

7. Book Of Complaints, Concerns And Comments

Minutes:

There were no new complaints, concerns or comments.

8. Mayor And Council Review Of Old Business

Minutes:

- A new sign is going up on Hwy 40. It will have a variable information sign and a camera. Council Member Hamilton asked if the camera would be a proximity sensor or an actual camera. Mayor Rowley said he is not sure because the City was not invited to any of the pre-construction meetings.
- The water system that is being put in up by the State road shed is moving along. The line is in. The contractor is about to turn off the aqueduct. The water pressure has gone down a little bit and Mayor Rowley thinks it is because the new pipe is online and hopes it will equilibrate pressure soon. He will look into it.
- The pump at the Strawberry Cemetery has gone out. Council Member Peatross clarified that it was the brand new pump just put in. Mayor Rowley said the pump was sent to Mountainland to see if it was something with the pump or if it was something the City caused. Council Member Hamilton asked if the wiring was put in correctly so the amp capacity was not exceeded. The

Mayor said the wiring was upgraded. Council Member Browning asked if a water truck has been up there to water? Mayor Rowley said they have not sent a water truck up yet. Council Member Browning said a water truck should be sent. Council Member Hamilton asked if the City still has a water truck. Mayor Rowley said yes the City does have a water truck.

- Council Member Browning asked if the swimming pool was closed. Mayor Rowley said the boiler came yesterday and is being installed. Council Member Peatross asked if Mayor Rowley got the old boiler running. Mayor Rowley said the old boiler finally died.
- Council Member Peatross asked about the UDOT lights on Main Street? He said about two thirds of them are not lit at night. Council Member Browning asked if they are on a timer. Mayor Rowley said they come on automatically when it gets dark. He went on to say that as the lights burn out, he has to decide what kind of bulb to buy. If the City decides to go to LED then all of them have to be converted at the same time. He has been working with Moon Lake Electric to decide the best course of action. Council Member Hamilton asked if the lights belong to UDOT or to the City. Mayor Rowley said they belong to the City. He explained that the lights are currently 220 volt and if they decide to change to a 130 volt LED light, the wiring at the pole requires an extra ground. Council Member Hamilton asked if the only options were to buy new bulbs for the current light or change over to LED lights. Lane Genereaux said Moon Lake Electric explained to him that the cost of rewiring the poles to support LED lights would cost the same as buying all new current light bulbs. The Council discussed the advantages of switching to LEDs and Moon Lake Electric will help with the installation.

9. Work Session

Minutes:

There was a work session at 5 pm to discuss the Gateway Health and Wellness Special Service District.

10. Executive Session

Minutes:

There was no executive session called.

11. Adjournment

Minutes:

MOTION by Council Member Browning, seconded by Council Member Mecham to adjourn at 7:03 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:

Kim Riggle, Recorder: _____

Rodney Rowley, Mayor: _____

Contact: Kim Riggle (duchesne@ubtanet.com 435-738-2464) | Minutes published on 08/08/2020,
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