



Regular City Council Meeting

Minutes

Tuesday, November 10, 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:

Mayor Rodney Rowley conducted the meeting. City Recorder, Kim Riggle, took minutes. City Council Members present were Jason Baker, Dawnette Browning, Bryce Hamilton, and Danny Peatross. Council Member Jeannie Mecham was excused. Public Attendees: Karri & Bob Hoopes, Juan Casiano, Alfredo Renteria, Cody Ivie, Alan Poulson, Dea Skewes, Janae Rowley, Jeannie & Leo Dumas, Randy & Laura Harrison, Kristy & Eric Wilde, CoraLee Sanchez, Susan Hamilton, Alan Spencer, and Deb Herron. Council Member Hamilton offered the prayer. Mayor Rodney Rowley led the Council and Public in the Pledge of Allegiance.

2. Minutes

Minutes:

MOTION by Council Member Browning, seconded by Council Member Peatross to approve the minutes from October 27, 2020.

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

Motion carried by unanimous vote.

3. Bills

Minutes:

MOTION by Council Member Hamilton, seconded by Council Member Peatross to pay the bills.

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

Motion carried by unanimous vote.

4. Charges & Credits

Minutes:

The Council reviewed the Charges and Credits report.

5. Financial Statement Budget Review**Minutes:**

The Council reviewed the Financial Statement and Budget to date.

6. Business Licenses**Minutes:**

- The Council voted to approve a business license for Beto's which was presented at the last City Council meeting.

MOTION by Council Member Hamilton, seconded by Council Member Browning to give Ana Pinales a business license for Beto's when she completes the checklist.

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

Motion carried by unanimous vote.

- Jeannie Dumas and Laura Harrison presented their business license application to the Council. They would like to open a shop, Naturally Grounded, at 410 N Center St. They will be selling herbs but do not want to compete with Nourish. They have been approved by the Health Department to serve healthy muffins, herbal teas and organic coffee, and perform Complementary Therapist services and Energy work. They will have places for people to gather throughout the whole main house and will set aside space for healing rooms. Council Member Browning asked what they would do about parking. Jeanne explained that there is parking available along Center Street, in the driveway and along 400 N. Council Member Browning asked if the house would be used as a Bed & Breakfast. Jeanne said the apartments will still be used as apartments but the main house will be devoted to the shop.

MOTION by Council Member Hamilton, seconded by Council Member Peatross to give Jeanne Dumas and Laura Harrison a business license for Naturally Grounded when they complete the checklist.

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

Motion carried by unanimous vote.

7. Duchesne High School Drama Students**Minutes:**

Duchesne High School drama students did not attend the meeting.

8. Capital Improvements List (PCIF)**Minutes:**

The Council discussed the CIB Capital Improvements List. Council Member Peatross asked about the marquee on Main Street. Council Member Browning explained that

she had spoken with the American Legion and the County about cooperating to get a public information board to announce City and County events. After doing some research, they estimated the project would cost about \$100,000 to complete. The Council then discussed how this list is different than the one they reviewed at the last meeting and talked about the difference between the CIB (Community Impact Board) and the CDBG (Community Development Block Grant). The lists are similar but differ in the kinds of projects allowed and the CIB is grant plus loan whereas the CDBG is grant only. The SR 311 and River Rd water line will make a loop to allow no dead end water lines that can stagnate. The engineering costs have already been taken care of. The Council discussed the costs of this project as well as the Blue Bench trail project. The City is not interested in taking on any more debt. This is a wish list so any project the City plans to begin next year must be on the 1-year list. Council Member Hamilton said that with the oil prices down the Tribe can't spend as much on lawsuits so there may be some money available to complete some of these projects. The Council did not make any changes to the list. The Mayor will submit the list to CIB.

9. Gateway Health and Wellness special Service District - Now What?

Minutes:

- Council Member Browning asked what the Council should do now that the Gateway Health and Wellness Special Service District did not pass. Does the City go in a financial hole trying to keep up with the bowling alley, pool, and parks?
- Mayor Rowley said there is a guy who wants to lease the bowling alley which would relieve the City of between \$25,000 and \$45,000 of expenses.
- Council Member Baker said the bowling alley and pool cost 10% of the total budget. He feels like the bowling alley is a waste of money. The pool is well-used during the summer months so he can see keeping the pool as a service to the community. With the need to clean all the returned books because of COVID, the library meeting room is no longer available as a community meeting place. He suggested selling the bowling lanes and equipment and turning the building into a community center. The City cannot afford to hire enough people to run the bowling alley correctly and an employee already almost lost a finger. He feels like the City is opened up for a lawsuit, not to mention all the concession food that is walking out the door.
- Council Member Hamilton said the City should look at leasing then look at selling equipment and decide which is the better option. Council Member Baker said the City should set a timeline for negotiating a lease so that the process doesn't drag on since others have looked at leasing it but found it too expensive.
- The Council briefly discussed the value of the equipment and placing billiards or arcade equipment in the space. Council Member Baker said the Council already discussed not putting in billiards and arcade games because these activities draw a rough crowd.
- Council Member Peatross asked if the building was sound. The consensus was that the building was in good shape. Mayor Rowley said the guy who is looking at leasing the building wants to install some high-end equipment and make it

into a nice cafe. Cody Ivie asked about parking and the consensus was that the current parking behind the building, along 100 W, and in the school parking lot after school hours would be adequate.

- Council Member Peatross asked about the High School students using the facility in the past. Mayor Rowley said the City residents should not subsidize the student fees by only charging \$0.10 per student per hour.
- Council Member Baker suggested putting a date of February 1, 2021 on the decision to lease. Council Member Peatross agreed to the plan of investigating until Feb 1st. Mayor Rowley said he would require the contract to state the value of the equipment be at a certain level. Council Member Baker said the County tax records would have information about the value of the building.
- The high school is still using the City's ballfields.
- Council Member Browning said that the District Board members have not met since the election. Council Member Baker said the election results were pretty clear with 75% against and 25% for the creation of a taxing district. Mayor Rowley suggested shrinking the size of the district. Council Member Browning asked if charging county residents more to use the facilities would be wise. She hates to divide the community by charging more for county residents to play sports and use the pool and bowling alley. She wants to know what the citizens want to do. What is plan B?
- Council Member Baker feels like the pool is more used whereas the bowling alley is not used as much. However, the City basically pays everyone who uses the pool and bowling alley. Dea Skewes wondered if someone could make the bowling alley more inviting. Council Member Hamilton said the City cannot afford to go further into debt. Council Member Baker votes to get rid of the bowling alley equipment and turn the building into something else. Council Member Hamilton suggested that with the new COVID restrictions, both the pool and bowling alley will be in a real pinch.
- Council Member Peatross suggested sending out a survey to ask the citizens what they want. Mayor Rowley said we had a survey and only so many responded.
- Cody Ivie asked if the City had talked with the School District to ask them if there is something that could be used by both the citizens and students that could be built in cooperation. Mayor Rowley said the school district doesn't operate that way.
- Jeanne Dumas said she has never seen a bowling alley that didn't have a cafe attached to it so people could eat even if they didn't bowl. Council Member Baker said the City can not and should not compete with local restaurants. Jeanne asked why the City was running a bowling alley. Council Member Browning explained that the bowling alley was gifted to the City.

10. 15 Minute Open Session

Minutes:

- Dea Skewes approached the Council to inform them that the activities that were planned at the Pope House for the end of November have been cancelled. She has a grandson getting married and she will be a little busy.
- Jeanne Dumas organizes Cowboy Christmas every year. She has all the vendors lined up but is nervous about the COVID restrictions. If she advertises and then is shut down, she will be out all the advertising costs. She is still planning to

11. Planning And Zoning

Minutes:

Deb Herron gave a Planning and Zoning Commission report and the Council discussed each item. A. Juan Casiano approached the Planning and Zoning Commission to request permission to bring a manufactured home onto his property at 44 W 100 N. Currently there is an old house located on the property which he hopes to demolish soon but he is waiting on an asbestos permit from the Department of Environmental Quality. The manufactured home has some problems but Cody Fisher found the home to meet residential standards as soon as the improvements are made and sees no reason to prevent the home from being placed in that location. Cody sent this issue to Planning and Zoning because the Code requires manufactured homes to be livable before they are brought into the City. Juan wants to work on the home in Duchesne. The seller wants to get the home off of his property in Kamas as soon as possible. The Commission voted to allow Juan to bring the home into Duchesne to work on it and bring it up to code. - Juan addressed the City Council and gave them a timeline which outlines his plan for bringing the home into Duchesne, completing the demolition of the old house, completing the updates to bring the manufactured home up to Code, and then set the home in the permanent location where the old house was removed. The Council discussed the difference between this situation and the issues with RJ Stansfield's property. Juan has been working with Cody Fisher and has completed or is in the process of completing all of the building permits.

MOTION by Council Member Peatross seconded by Council Member Hamilton to allow Juan Casiano to bring a manufactured home onto his property located at 44 W 100 N in order to work on it to eventually be placed onto the demolition site according to the timeline as presented herein.

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

Motion carried by unanimous vote.

B. The River Heights Subdivision map was approved by Planning and Zoning but the final map showing the Surface Water Runoff Easement over the front 10' of each lot was never brought before the City Council for approval. Copies of the map were distributed to the Council and public for inspection. The Planning and Zoning Commission voted to send the map to the Council for approval. The second thing the Commission discussed was trading the 4 City lots (lots 19, 20, 28 & 29) on top of the hill at the end of the platted cul-de-sac for the 2 lots (34 & 35) at the bottom of the hill. The trade would allow the City to create a catch basin for surface water runoff. The Commission voted to recommend to the Council that the City trade the lots with Alan Poulson. - Mayor Rowley explained to the Council that former Mayor Clint Park and Tom Golinski could not remember exactly why those 4 lots were given to the City. Clint suggested to Mayor Rowley that it could have been for a retention pond. If that

were the case, having the lots at the highest point doesn't make a lot of sense and trading for the lower lots would make sense. Council Member Browning asked Alan if he plans to build spec homes. Alan said possibly but he is not sure yet. He is ready to run the sewer line and would like to know what the City plans to do so he can move forward with his plans and know what lines to run where. He believes he could get more money for houses built at the end of the cul-de-sac. Council Member Peatross and Mayor Rowley discussed the flow of surface water runoff in that area. Council Member Browning is excited to see this development happening. Council Member Hamilton asked if lots 34 & 35 would catch the surface water from the whole subdivision. Alan explained that these 2 lots are very low. The Council discussed what is needed to move forward with the lot swap. There needs to be a public hearing and an ordinance accepted. That public hearing and ordinance vote can be done at the same meeting.

MOTION by Council Member Browning seconded by Council Member Hamilton to accept the plat and schedule a public hearing to look at trading lots.

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

Motion carried by unanimous vote. C. Community Survey Results were made available to the Council as an attachment to the agenda. Deb Herron will make the slides available on the City website. The data will be included in the updated Master Plan.

D. The Planning and Zoning Commission held a public hearing on October 19, 2020 where Mayor Rodney Rowley presented a map for the Commissioners to review regarding vacating the street adjacent to Travis Peterson's house which also included vacating 400 E. He told the Commissioners the City had planned to create the cul-de-sacs on 400 N and vacate 400 E. There were several problems with the proposed street vacation including the fact that it created a situation where several of the lots no longer had access to public streets. During the discussion the Commission suggested a new map be drawn that just addressed the issue with Travis Peterson's property. Mayor Rowley came back to the Commission on Nov 9, 2020 with a new map. The Commission discussed the new map that showed a 15 foot strip on the south side of 400 N between 400 and 500 East and a 15 foot strip on the west side of 400 E between 300 and 400 North. Mayor Rowley's justification for including the 15-foot strip on 400 E was that it would create a bigger building lot for his property on Block 101 Lot 9 that is right on the steep part of the hill. During the meeting, the Commissioners also discussed an example of an encroachment agreement that could be used to address the issue with Travis building on City property eliminating the need for a street vacation. The Commissioners voted to present both options to the City Council with the preference that the street be vacated. - Council Member Hamilton asked how big of a garage Travis was building that needed 400 E to be vacated. Mayor Rowley explained the 400 E vacation was to create a buildable lot on

12. Public Hearing - Travis Peterson Street Vacation

Minutes:

The public hearing was opened at 7:33 pm. - Council Member Peatross requested the Duchesne County Parcel viewer be projected on to the screen. - Karri Hoopes, 450 N 200 E showed the Council the 15 lots she and Bob own on the parcel map. She does not believe it is in the City's best interest to give land away. She believes vacating the street sets a bad precedence. She understands that it was a genuine mistake but still believes it is a bad idea. Narrowing the streets is not a good idea because we don't know what will happen in 100 years. Even if the City does not think those roads will ever be used for public transportation, we do not know what the future may bring. She and Bob would have personally benefited the most from the first street vacation map proposed to the Planning Commission on October 19th. However, she simply does not think it is a wise decision to give away City streets. Council Member Peatross said the precedence has already been set that the City has given away land all over town. There have been good reasons in the past to vacate streets and there may be good reasons in the future. He is not saying this is a good idea but he recognizes the need to do so. - Bob Hoopes concurred with everything Karri said and asked, "Why would we want narrower streets? - CoraLee Sanchez agreed with Karri and Bob. She pointed out that 400 N on the block to the east had been vacated 25 ft. on the north and south sides of the road. She wanted to know why the street on this block was being vacated on only one side? Mayor Rowley explained that if the City is concerned about road width, then vacating only one side of the street makes sense. CoraLee asked about the people on the other side of the road. The last time the City vacated streets it was on both sides of the road. Mayor Rowley spoke with the County Surveyor, Jerry Allred, who recommended the map be drawn this way and that there is no precedent that says the vacation has to be on both sides of the street. CoraLee still does not believe this street vacation is in the City's best interest and sees the encroachment permit as a good solution to the problem. Council Member Peatross asked her from a title agent's point of view how future loans would affect Travis Peterson if his garage is part way on City property. CoraLee said title companies do not like this situation because the person does not own the ground on which their structure is located. There are many examples of this situation all over the County. The person would not be able to get a loan on the garage but would be able to get a loan on the home. - Council Member Baker asked how far the garage is on City property. Mayor Rowley said the garage extends approximately 14 feet on one corner into the platted street. - CoraLee asked if Travis received approval to build his garage. Mayor Rowley said he did receive permission to build the garage, but it was understood that the street vacation was going to be done years ago. - Cody Ivie said the vacation would be cheaper than a potential lawsuit that would ensue when he couldn't sell that property. You can't get a mortgage on land that you don't own. He believes the City is somewhat liable for their part in this situation and Travis would have grounds to sue if

he has problems selling in the future. - Karri asked if Travis had his property surveyed. He did not have it surveyed. Why would he not have his property surveyed so he would know what he owned? Karri wondered why the City is responsible for his mistake? - The public hearing was closed at 7:44 pm. - Council Member Browning said the Council made a mistake when they agreed to let Travis build his garage. She asked what the Council agreed to when they visited his site. Mayor Rowley said this issue started 5 years ago when the City paved the cul-de-sac. At that same time, the City was going to vacate the street to the cul-de-sac as shown on the map drawn up for the first public hearing on October 19, 2020. The City agreed to do the vacation and Horrocks Engineering was going to do the plat. In the middle of the process Mayor Rowley quit Horrocks Engineers and wasn't going to do the plat for them. The process was never finished. He said this is another example of paperwork that hasn't been completed. He believes the City needs to fix the problem it created. With the last vacation for the A-frame house, there was 10 times the amount of land vacated and no one said a word at that public hearing or was worried about it. But with this one, he feels like everyone is up in arms. - Deb Herron suggested that the Planning & Zoning Commission agreed to present 2 options with the street vacation being the preferred option. Council Member Hamilton asked if the preferred option was because of a potential lawsuit. Deb Herron said the Commissioners did not discuss a lawsuit specifically. - Council Member Baker asked Karri Hoopes what her interest in this issue was. Karri said the original proposal would have increased her property and property value whereas the current proposal does not. She doesn't understand why the vacation continues all the way around to 400 E. If the City really is concerned with Travis Peterson's property, why not just vacate the one side of 400 N? No matter what the Council decides it doesn't affect her personally but it does affect her as a member of the community. - Council Member Browning wondered why the street vacation followed 400 East around to Mayor Rowley's lots if the issue was with 400 North in front of Travis' house. Mayor Rowley said the original idea was to vacate 400 N and 400 E like the City has done with other parts of the hillside. He is asking for 400 E so that it creates a bigger building lot. Karri suggested Mayor Rowley should probably have recused himself from this street vacation. Council Member Browning said this street vacation map addresses two different issues. Mayor Rowley said the process was already begun and noticed in the newspaper this way so the hearing addressed the 400 N and 400 E street vacation. The original vacation map showed the two cul-de-sacs and the everything on the hillside as vacated. The second map came out of the discussion from the first public hearing. - Council Member Hamilton asked to have a copy of the street vacation map from the October 19th P&Z Meeting emailed to him. He would like to look at the map before he votes. - Council Member Peatross thinks this encroachment agreement is workable. He said this is not the first time this issue has come up and boundary line adjustments are made to fix the problems so the structure is on their own property. It is true we can't see 100 years into the future to know how this might limit Duchesne City somehow. The City has been here for 115 years now. Most cities don't build streets down hillsides but utilities could be run on

those grades. - Council Member Baker asked if there was anything written down that guaranteed Travis could build on City property. Mayor Rowley said the previous mayor agreed to the street vacation on the hillside but after this City Council met on Travis' property to look at where he would build his garage and said he could go ahead, there was nothing written down guaranteeing he could build there. Council Member Baker said it sets a bad precedence if they give Travis the ground because anyone could build on City property and get that ground too. Council Member Peatross said it is Duchesne City's fault because he remembers meeting on the property and giving permission for Travis to build on the idea that the City was going to narrow the street and he would have room to build his garage so Travis moved ahead with his project. Council Member Baker asked if the vacation was done before he started his project? Council Member Peatross said no but it was in the works. Council Member Baker said it doesn't matter, he should have stopped the project until the street vacation was finalized. Council Member Peatross said Travis moved ahead on good faith that the City would do what it said it would do. Council Member Baker said having good faith in government is never a good idea and wondered who would start building without a survey. He believes the encroachment agreement is a good idea. Council Member Peatross agreed. If this causes problems down the road, the Council can work something out then. Mayor Rowley said the street vacation was planned years ago and he didn't think there would be opposition to it because it is all on the hillside. Additionally, it is similar to street vacations that have been done all over town. Council Member Peatross thinks the City should move forward with the encroachment agreement and if it causes Travis problems in the future, the Council can deal with the issue then when other solutions may be available. Council Member Hamilton said the Council could move forward with the encroachment agreement tonight and then if they decide a few months down the road to vacate the street, they have already had a public hearing and can make a more permanent decision later. Mayor Rowley said the Council does not need to make a decision tonight or vote on it. Council Member Baker asked how long the encroachment agreement would last. The consensus was that it would last indefinitely or until the City decides to construct a road or change something affecting the agreement. Council Member Hamilton said a successor's assigns clause should be added to the agreement. Deb Herron pointed out this agreement does have a provision for heirs.

MOTION by Council Member Peatross, seconded by Council Member Browning to grant a right-of-way encroachment agreement to remedy the problem at this time.

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

Motion carried by unanimous vote.

13. Book Of Complaints, Concerns And Comments

Minutes:

Janae Rowley approached the Council to express her concerns about the creation of

the Gateway Health and Wellness Special Service District, the Proposition on this year's ballot. She wanted to respond to Council Member Browning's request to understand what the residents wanted and to explain why she voted against the proposition. First, she does not agree that a non-elected governing body should be spending tax money. She believes the group that started the district is a special interest group. Second, she does not believe that taxes should be increased for recreation. If the bowling alley is that big of a draw then taxes should not be paying for it nor subsidize it to keep it open. The pool brings people to our community and makes it better but that is her opinion. The citizens should make that decision whether to keep the pool or not. Third, many County residents do not use the pool and bowling alley. Additionally, at the public hearing she attended, the recreation department covers its own fees and pays for itself except for the upkeep of the parks, therefore she does not feel like all of the county residents in the district should share the tax burden for the recreation department. She is a city citizen and so her tax dollars go toward maintaining the parks and she feels like it is worth it to keep the parks and the pool. These things attract people to our City and she believes tax money should go toward keeping them but not raising taxes. And finally, she voted for the members of the City Council to decide how to spend recreation tax dollars and the City does not need another taxing entity. She feels like there are enough taxing entities with the School District, County and City. The Council thanked her for her comments.

14. Mayor And Council Review Of Old Business

Minutes:

- Council Member Baker reported on the Business Alliance meeting. He said the Railway was the main topic at the last meeting with Drexel Hamilton's CEO expressing 100% confidence that the rail will go through. The railway is privately funded. The Tribe is currently working on increasing oil production and bringing mini-refineries online to separate the paraffin from the oil. Production estimates are that the Basin will go from 80 barrels up to 450 barrels of oil per day which will result in a dramatic increase in workers needed. The company is committed to using local workers as much as they can. He has heard that a railway has been looked at in the past with no results but it looks like it really is going to happen this time. He feels like the City needs to get ahead of the curve. Construction will probably begin in late spring or early summer of 2021. He believes the City should plan ahead and be ready with housing. Mayor Rowley asked how the City can prepare. Council Member Baker suggested the City can make some money by selling water and road base and can help in other ways like approving the subdivision and other housing options. Council Member Hamilton said the best thing the government can do is get out of the way of business. He suggested taking a hard look at the ordinances and see if they facilitate apartments and other housing options. A lot of the labor will be single people and small families. Nomadic families usually chase this kind of work. Council Member Baker said the City can get on the ball with water meters for hotels/motels and other businesses and be ready to support these businesses.
- Mayor Rowley reminded the Council about their assignments for the Municipal

Code review. Deb Herron needs those sections reviewed as soon as possible and any needed changes submitted to her so she can have the document ready for the transition from Sterling Codifiers to Google docs.

15. Work Session

Minutes:

There was no work session.

16. Executive Session

Minutes:

There was no executive session.

17. Adjournment

Minutes:

MOTION by Council Member Browning, seconded by Council Member Hamilton to adjourn the meeting at 8:07 pm.

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

Motion carried by unanimous vote.

Attest:

Kim Riggle, Recorder: _____

Rodney Rowley, Mayor: _____