Regular City Council Meeting

Minutes

Tuesday, August 24, 2021 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 Jeannie Mecham. Council Member Danny Peatross was excused.
   Public Attendees: Chuck Richins, Ron Winterton, Brandon Bench, Jason Young, Margie Peatross, Susan Hamilton, Sheriff Travis Tucker.
   Council Member Hamilton offered the prayer.

2. **Minutes**

   Minutes:
   MOTION by Council Member Hamilton, seconded by Council Member Mecham to approve the minutes from July 27, 2021 with corrections.
   - Council Member Baker– Aye
   - Council Member Browning – Aye
   - Council Member Hamilton – Aye
   - Council Member Mecham– Aye

   Motion carried by unanimous vote.

3. **Bills**

   Open Invoice Listing

   Minutes:
   MOTION by Council Member Browning, seconded by Council Member Hamilton to pay the bills.
   - Council Member Baker– Aye
   - Council Member Browning – Aye
   - Council Member Hamilton – Aye
   - Council Member Mecham– 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 Budget report.

6. **Business License**

Minutes:
There were no business licenses brought before the Council at this time.

7. **Variance for 167 W 400 N - Eddie and Abby Roberts**

Minutes:
MOTION by Council Member Browning, seconded by Council Member Hamilton to approve the variance request for Eddie and Abby Roberts.

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

Motion carried by unanimous vote.

8. **Variance for 290 W 200 S- Margie Peatross**

Minutes:
MOTION by Council Member Hamilton, seconded by Council Member Browning to approve the variance request for Margie Peatross.

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

Motion carried by unanimous vote.

9. **Baseball Complex Update - Chuck Richins**

Minutes:

- Chuck Richins approached the Council to discuss the proposed ball field complex project. Horrocks Engineers lobbied to do the design for the project and presented at City Council their qualifications when Chuck found out the City received CIB funding. Chuck has reached out multiple times to the school district and architect to be involved but feels like he has been kept in the dark. Horrocks Engineers is the City's engineer of record and they are prepared to do the job. This is a city project on city property. Chuck has been told several times that the City will be able to choose the engineer. When he reached out to KMA Architects at the request of the City, they were surprised that Horrocks would be designing this project. Wes at KMA believes it is very important that everyone knows their roles before this project begins and Chuck agrees. Chuck hopes that the City will choose Horrocks to do the job. He has been emailing the Mayor and City Council Members keeping them informed of developments. Council Member Mecham has not responded to the emails because she understood that they were simply informational. Council Member Baker understood from the last City

Council meeting that Horrocks would be the engineer for this project but after talking with Brandon Bench from the School Board, he realized there was some miscommunication. Council Member Baker requested that this issue be put on the agenda so everyone involved could get on the same page. Mayor Rowley spoke with Superintendent Brotherson and was told that there would be a meeting next Tuesday or Thursday where everyone could sit down, discuss this project, and define all the roles. Mayor Rowley understands KMA is going to direct the whole project but is not sure how the engineers will fit into the mix. The survey and geotech has already been done and paid for. Chuck pointed out that there is still a substantial amount of design that needs to take place. Mayor Rowley said he is waiting to hear from Superintendent Brotherson about a meeting time so that everyone's roles can be discussed. Council Member Baker understood that Horrocks Engineer's role would be to ensure the City's interests in this project were met. Mayor Rowley also understood Horrocks would stand up for what the City needs. Chuck said they would definitely do that and could review the designs on behalf of the City. He also said the city should review their procurement procedure and make sure those guidelines are being followed. Mayor Rowley emphasized this project is part of Phase 3 of the high school construction plan. The school district is paying for the upgrades to the City's ballfields which helps both the school district and City, but the City Council will need to carefully review the intergovernmental agreement when it is drawn up.

- Brandon Bench talked about hiring an engineer and sympathizes with Chuck and all the work that he has put into this project so far. Brandon is excited to see this project completed in Duchesne and wants the best project possible. He explained that Jason Young is a great person to be the principal at the high school right now because he helped out so much on the new elementary school and understands the building process. Mayor Rowley said he wasn't sure who would be at this meeting next week and Brandon said the Superintendent wants everyone there so that the school district could get the most input. Mayor Rowley said the City has to advertise a public meeting if more than 2 city council members are present. Brandon is hoping that things can move forward as quickly as possible so the ball fields can be built next summer. Jason Young talked about the importance of projects like this to help the entire community. He appreciates the partnership between the School District and City.

10. Main Street Water Conservation Project

Minutes:

Council Member Browning presented a map of what she and Council Member Mecham found as they walked Main Street to evaluate the green spaces. She drew up the map to show places that would be good to take out the grass and put in cement. She estimates that about 125 sprinklers would be removed. Kim Riggle said Lane estimates that more than that could be removed. Lane thinks there are a total of about 700 sprinklers on both sides of Main street. Council Member Browning talked to 3 contractors to get an idea of how much it would cost to install cement in those areas so that she can finish the grant from Central Utah Water. The Council discussed the map and some of the comments that were made by the concerned citizens that attended the last City Council meeting. They also discussed how best to proceed with

this project. Maintaining Main Street is a big job and is important to get it right. Council Member Browning thinks it will be over $30,000 to put in concrete in the places she has mapped out. The Council discussed the funding options and more details of the recommended project. Lane has looked at it and approves of the project. Council Member Browning checked on the big pile of dirt next to Burger King. It is the responsibility of Paul Gandhi. The dirt is clean dirt, not contaminated like some people believe. Mayor Rowley thinks Paul wants someone else to take care of it. Right before fair week, Council Member Browning sent letters to all property owners on Main Street and asked that they clean up their properties. There were lots of people that did clean up their places and she had lots of conversations with business owners. The County Commissioners were very pleased with how everything looked for the Fair and expressed appreciation to Lane and Jay for doing such a great job cleaning up the gutters.

11. **Airport Master Plan**

Minutes:
JUB sent 3 options of the Master Plan for the Council to review. Mayor Rowley wanted to have a work meeting to talk about the options. The Council decided to have a work meeting next Tuesday, August 31 at 6 pm. Council Member Browning will not be able to attend the work meeting because she has play practice.

12. **Duchesne County Weeds Building Trade**

Minutes:
The Council discussed some land that the County is willing to trade for their weed shed next to the ballfields. They want to move the weed shed out of town but they need to connect to the sewer. The land they are interested in is next to the City's burn pit up by the fill station. Originally the City was going to trade this land for the weed shed, but the appraisal came back for the County's weed shed at $190,000 and only $700 per acre for the City's land. Mayor Rowley presented the Council with a map that shows some City property in Indian Canyon that could be added to the trade. The Council discussed the map. The County said it will cost them 3 times as much to replace the weed shed because the cost of construction has gone up so much. They may put this project off until next year to see if the cost of construction will come down. The City could use this building for storing the lawn mowing equipment, items used by the Beautification Committee, or for the fire fighters to use as a training room during the winter. The Council decided the City wouldn't use the Indian Canyon property so the trade looks good. The County is thinking of using the land for a shooting range complex. The City Council will not vote on the trade until they find out what the County decides to do.

13. **Planning And Zoning**

Minutes:
There was no report from Planning and Zoning.

14. **15 Minute Open Session**

Minutes:

- Sheriff Tucker spoke a little about the department's need for a good shooting range. He asked if the Council had any questions for him.
    - Mayor Rowley talked about speeders on Main Street. Sheriff Tucker said everyone is speeding these days. The department is down 7 full-time deputies. Council Member Baker asked about becoming a 2nd Amendment Sanctuary City. Sheriff Tucker talked about his stance on the 2nd Amendment. He has taken an oath to protect the Constitution and is definitely pro 2nd Amendment. In talking to the County Commissioners and County Attorney, the County wants to be very careful that they respond to this issue correctly and are deliberating on how to draft a letter expressing the County's position on the 2nd Amendment. The County has been sued regarding COVID procedures up at the jail and Sheriff Tucker was one of several sheriffs that counter sued. He is very proactive in protecting the principles of the Constitution.
    - Council Member Browning asked that the Sheriff's department focus on reducing speeding along Main Street. Sheriff Tucker explained what his officers do to control speeding all over the County. He also explained that the officers have about 3 hours of paperwork to file every day and often do their reports in their vehicles while on duty. The presence of officers on the roads is probably the best deterrent to speeding, even if they are not stopping every speeder.
    - Council Member Hamilton asked if there is an ordinance drafted that is being debated. Sheriff Tucker explained that Duchesne County is using Uintah County's ordinance as a template for drafting a letter of support for the constitution. Council Member Hamilton commented that a letter of support does not have any teeth. Sheriff Tucker said the County Commissioners are in the process of drafting a resolution stating the County's stance on the 2nd Amendment issue. They have been working on this for the last year and a half. Sheriff Tucker will supply the Council and Mayor with copies of Uintah County's ordinance and what Duchesne County has been working on. Sheriff Tucker has a problem with sanctuary cities and how they were started as safe havens for illegal immigrants. He does not believe a city determining what laws are and are not illegal is the proper way to deal with this issue nor does this method support the constitution. Council Member Hamilton commented that it would not be appropriate to make a law against a law but you can make a resolution that will not enforce an unjust law. Sheriff Tucker said this line of reasoning is how the County Attorney is leaning. Sheriff Tucker said his department is in the job of gathering information. They take lawbreakers to jail and let the attorneys file to apply the law.
- Senator Ron Winterton approached the Council to thank them for the service they perform on behalf of the residents of the City and to report on what has been going on at Capitol Hill in Salt Lake City. Utah's Congress is on break right now but Senator Winterton will be back in committee meetings during the week of Sept 15th working on bills for the next general session. Right now, a lot of the emails he is receiving are about masks, COVID, and vaccine passport mandates.

The Governor is working with government, education, and business entities on these issues. Some of the responsibilities have been put back on the local governments to make decisions regarding masks because each area is different with different needs. Unemployment is another issue the Senate is considering as well as affordable housing. Utah's economy is doing really well right now but there is definitely a discrepancy between the Wasatch Front and the Basin. Senator Winterton asked if the Council had any questions for him. Council Member Hamilton asked about the moratorium on renter evictions. He believes this is wrong and Utah should nullify this and many other federal mandates. Senator Winterton agreed and said Utah has fought with the federal government on several issues like this and is in danger of losing federal education funding because of what the State has done but they are ready for the fight. He serves as a co-chairman on the Federal [Oversight] Commission and has been working to push back to get Utah's fair share of proceeds off of federal lands. Council Member Mecham asked if Utah could become self-sufficient from the Federal Government COVID funding. Senator Winterton believes this is possible. The Federal Government is still writing the rules regarding the COVID money but the State has been very wise with what they have been given.

- Brandon Bench approached the Council to publicly thank Senator Winterton for his help in procuring the funding from CIB for the ballfield complex. Senator Winterton stood with Mayor Rowley at the CIB hearing because he believes this is a win/win for the the School District and City.
- Chuck Richins commented that the City needs to make sure the trail by the ballfields be included in the new project because it is part of the County's Trails Master Plan. Mayor Rowley said that is important because it is probably the most used trail in the City.
- Margie Peatross asked if anyone can hop on a 4-wheeler and ride around town. Mayor Rowley explained the rules for using ATVs in town. Every driver must have a driver's license, a helmet, and a 4-foot flag on the vehicle. Margie explained some of the problems she sees with 4-wheelers around her neighborhood. Sometimes she sees 3 or 4 people on one 4-wheeler flying down the alleyway. She can't enjoy her back yard because of the noise of ATVs flying up and down the road. Mayor Rowley would like to deal with this problem without involving the Sheriff but it may come to that point. Mayor Rowley asked Margie to call him when it happens again.

15. Book Of Complaints, Concerns And Comments

Minutes:

There were no new complaints, concerns, or comments recorded in the book.

16. Mayor And Council Review Of Old Business

Minutes:

- Council Member Hamilton asked what the plan was for getting a light on the flag on the hill. Mayor Rowley met with Jerry Lisonbee at the Centennial Building and the County Commissioners to talk about installing a light at the fairgrounds. Brandon Roll is going to look at it tomorrow. Moonlake wanted to charge $17,000 to install 3 poles to get up on the hill and Mayor Rowley didn't think that was feasible. He also looked at solar panels for lighting up the flag but believed they would be vandalized just as soon as they were installed. Right now the plan is to install a 20 degree light on the back side of the outdoor arena on one of the poles for the arena. Council Member Baker asked if vandalism would be a real problem up on the ridge especially with having to cross tribal ground to get there. Mayor Rowley said he believes it would be a problem. He explained that if people really understood that the tribe can impound your vehicle and everything in it if you are caught criminally trespassing, they wouldn't be doing it. The City's trespass permit will expire next month. The Tribe is very serious about trespassing. There are walking trails but no roads to the flagpole that don't cross tribal land. Council Member Baker asked if there was some way to mount a solar light higher up on the pole. Mayor Rowley said there isn't a good solution for a solar light up at the flagpole. The light planned will be hard-wired into the electrical system at the arena. The County Commissioners are working with Mayor Rowley to get the flag lit and are in favor of mounting a light on the arena pole but were not in favor of putting 3 poles up the hill.
- Council Member Hamilton asked if the new pump at Strawberry Cemetery was installed and currently running. Mayor Rowley explained that it was installed and running but does not know for how much longer it will be running because the level of the lake has dropped quite a bit. The cemetery looks pretty good right now probably because of all the rain lately. Nikki, the seasonal worker Mayor Rowley hired has quit because she got double pneumonia. She was a great worker.
- Hunter Guest was hired as the bowling alley manager. He will only be open for parties right now. The Council discussed when the bowling should be open. Council Member Hamilton suggested only opening Fridays, Saturdays, and Mondays and not burden city workers. Mayor Rowley has not advertised for any bowling alley workers in the paper.
- The new microphone is working well. It cost about $20 and will pick up more sound than the directional mics. Council Member Hamilton will send Kim the link for where to order more.
- Mayor Rowley met with Jeremy Tubbs from Tri-County Health to discuss the convenience store. She wanted to know if the City was still interested in drafting a vaping ordinance. She also told the Mayor that the "My Best" convenience store has not fulfilled Tri-County Health requirements for a license and they need to deliver a letter to the store owner letting them know they do not have permission to operate. The store was given a business license from Duchesne City contingent upon getting all of the appropriate permits. There is business

going on. The Council wondered if they should get the Sheriff's department involved.

- The Senior Class has spoken with the Mayor about painting the tank. The City will provide the paint.
- The Council discussed the upcoming Utah League of Cities and Towns convention. Mayor Rowley believes the meetings will all be virtual the same as last year.
- Council Member Browning invited everyone to the upcoming community play. You can buy tickets now for any show next Friday, Saturday, or Monday. There will be a matinee on Saturday.
- Mayor Rowley got a text from Brandon Bench during this time that said the meeting regarding the ballfields is limited to certain individuals. The Council discussed what Horrock's role in all this should be. They would like to see the City's interests protected and believe Chuck will do a good job. Mayor Rowley said he was not sure what the difference is between the architects and engineers in this project. He wanted to sit down with the Superintendent right after the funding came through but that didn't happen. The Council discussed Mayor Rowley's understanding of KMA doing an "as built" method and Horrock's capability of doing the entire project. The Council is leary of not having a fully completed plan before beginning the project. They discussed KMA's and Jones and DeMille's involvement in the CIB application process and their lack of professionalism. Council Member Browning understood that Jones and DeMille were not paid for the work they did on the CIB application so the School District might feel some obligation to go with them for the project. Mayor Rowley also commented that Senator Winterton works for Jones and DeMille which may be a conflict of interest for this project.

17. Work Session

Minutes:
There was a work meeting scheduled for Tuesday, August 31, 2021 at 6 pm to discuss the airport master plan.

18. Executive Session

Minutes:
There was no executive session called.

19. Adjournment

Minutes:
MOTION by Council Member Baker, seconded by Council Member Mecham to adjourn the meeting at 8:10 pm.

- Council Member Baker– Aye
- Council Member Browning – Aye
- Council Member Hamilton – Aye
- Council Member Mecham– 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 09/09/2021, adopted on 09/28/2021