



Regular City Council Meeting

Minutes

Tuesday, September 14, 2021 at 6:00 pm

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, Bryce Hamilton, Jeannie Mecham, and Danny Peatross. Council Member Dawnette Browning was excused. Public Attendees: Chuck Richins, Brandon Bench, Susan Hamilton, Sheriff Travis Tucker, Andrew Adams, Lane Genereaux, and Deb Herron. Council Member Mecham offered the prayer.

2. Minutes

Minutes:

The Council decided to wait to approve the minutes for the August 24, 2021 meeting until everyone had a chance to review them.

3. Bills

Minutes:

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

- Council Member Baker- Aye
- Council Member Hamilton - Aye
- Council Member Mecham- 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 budget report.

6. Business License

Minutes:

Andrew Adams represented business owner Lloyd Northington in presenting the business license application to the Council. He explained that right now they have a shop in Heber City with certified mechanics that can do any scheduled maintenance

for Polaris and other big name companies. In addition to repairs, they plan to have UTV and ATV rentals on site. They are excited to open a shop here in town so they don't have to commute to Heber everyday. Andrew and Lloyd currently live in Fruitland. They are working on completing all the items on the application checklist. MOTION by Council Member Hamilton, seconded by Council Member Mecham to approve a business license for Powersports Rentals and Repairs.

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

Motion carried by unanimous vote.

7. Radar Speed Sign - Council Member Hamilton

Minutes:

Council Member Hamilton commented that he has been hearing lots of complaints about speeding along Main Street. He said that UDOT had had some money in the past for City projects, not a lot of money but some. He suggested looking into using this money for installing some permanent radar speed limit signs along the highways coming into town from each direction. Bryce will look into what money is available. Sheriff Tucker and Council Member Mecham commented that this would be great. Mayor Rowley said the movable sign that the City purchased several years ago cost about \$3000. Council Member Hamilton said this would not be a huge expense and believes it would be worth the investment. Council Member Baker commented that it would be cheaper than some of the alternatives to slowing traffic down. Council Member Hamilton said the Mayor should put this on the wish list for the State Roads Department funding for projects. The Council briefly discussed the signs along Main Street and how UDOT controls what signs are and aren't allowed. Council Member Mecham said she got the library sign put up and wondered about a sign for the Pope House. Lane Genereaux said there was a sign for the Pope House but it was a street sign, Pope House Dr. Council Member Mecham asked if the City could get a sign for the Pope House. Mayor Rowley will look into it.

8. Kinder Morgan Airport Easement

Minutes:

The Council reviewed the agreement Kinder Morgan prepared. Mayor Rowley realized this agreement was the temporary agreement and not the final version. Council Member Peatross would like to see the final version before agreeing to it but asked if the Council should vote to accept it with changes. Mayor Rowley would like the Council to see the final version before voting to accept it. This item will be put on the next work meeting.

9. Duchesne County School District- Ball Complex

Minutes:

There was a work meeting scheduled right before City Council Meeting at 5 pm but it

didn't get started until 5:30 because of lack of quorum.

- Chuck Richins commented that he has been required in the past to prove to CIB that he has a working agreement in place before CIB awards funding. This agreement the City has with the School District seems highly unusual and is not typically how CIB works. He encouraged the City have all its ducks in a row.
- Council Member Hamilton said it usually is in the best interest of the City when projects go out to bid because it saves the City money when bids are competitive. This could hurt the City's borrowing capacity in the future.
- Council Member Peatross commented that during the work meeting when asked about the Tabiona/School District project, Superintendent Brotherson said there were no problems encountered with CIB during the project. Council Member Peatross wondered how out of the ordinary Duchesne City's project would be according to CIB. Brandon Bench told the Council that CIB money was used for the Tabiona Project and the Roosevelt Junior High School (RJHS) Auditorium. In the case of RJHS, Roosevelt City was the applicant and he didn't think there were any problems with CIB at that time. He stressed that the interlocal government agreement should spell out who does what. Council Member Peatross said he didn't think Duchesne City would be at risk if the City is not footing the bill. Brandon said KMA has designed many fields and have soil engineers to help with this project. He explained that the School District is very comfortable with KMA and they will be constructing the addition at Duchesne High School. Council Member Peatross was very surprised with the School District moving forward without including Horrocks Engineers in this project. Council Member Mecham does not think it is good that the School District is moving forward without the City's approval. Brandon said the School District is paying for this project so they should have the final say. Mayor Rowley commented that KMA is tied to the School District and procurement procedures must be followed. Brandon said Tony Smith is the new School Board President and he and the other school board members would like to see this project happen.
- Council Member Baker asked if this issue came up at the CIB meeting. Mayor Rowley said that it did not. Council Member Hamilton suggested having a work meeting to discuss these issues. Mayor Rowley doesn't know what would need to be decided at the work meeting. KMA is the architect for this project. Jeanie wondered if there would be any way to check with CIB to make sure the way this project is proceeding is legitimate. Mayor Rowley explained that the only guidance he received from CIB was to make the loan 15 years instead of 30.
- Brandon said there has been lots of bad news about construction costs for the high school and the ballfields may be the first thing that gets built next April.
- Council Member Peatross asked if this issue would be on the work meeting agenda with Kinder Morgan's agreement. Mayor Rowley said the District can't change from KMA. Council Member Peatross said he doesn't have any heartburn over KMA doing the project and it was logical for the District to use KMA.

- Council Member Hamilton asked Chuck what he meant by the City having all their ducks in a row. Chuck said that in his experience, CIB has asked for an agreement between the consultant and the applicant. He did not see the CIB Application and does not know what was included, but a geo-survey must be done as part of this project.
- Council Member Baker said this whole process seemed rushed. Mayor Rowley said KMA was going to do the CIB application but then Jones & DeMille ended up doing it. Brandon Bench suggested KMA go to someone who is experienced with the CIB process to get the application written correctly. Even with Jones & DeMille understanding CIB regulations, it was quite a process to get the application completed in time. This is how Jones & DeMille got involved in the first place. Deb Herron asked why the City would want to have KMA do a CIB project if they don't understand the process. Council Member Hamilton commented that this seems pretty unorthodox, like a renter building an apartment complex. Brandon assured the Council that when it comes time for payment, the School District will pay KMA. Council Member Hamilton asked if the School Board is the general contractor. Brandon suggested having another work meeting so that Dee Miles can explain the financing part of the project better. The Council decided to have a work meeting next Tuesday, September 21 at 6 pm. Brandon asked to have the School District put on the agenda first. The Council agreed.

10. Finley Resources Water Agreement

Minutes:

Mayor Rowley passed out copies of the agreement. Council Member Peatross asked if Council Member Hamilton's suggestions had been incorporated into this version.

Mayor Rowley explained that the suggestions had been included and the contract is now only temporary. He will eliminate the editing notations and clean up the copy. He explained some of the changes that were made. Council Member Hamilton wondered if this should be put on the next work meeting agenda. Mayor Rowley explained that the company would like to get started as soon as possible. Council Member Peatross expressed wonder that so much would be spent on water in 10 days. Council Member Hamilton asked if Finley Resources had to take all the water. Mayor Rowley explained that they will pay for half of water now and the rest as they use it. The Council briefly discussed the particulars of the agreement and which version they currently have. Mayor Rowley asked the Council if they wanted him to move forward. The Council agreed to have Mayor Rowley move forward with the agreement.

MOTION by Council Member Hamilton, seconded by Council Member Mecham to approve the agreement.

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

Motion carried by unanimous vote.

11. Planning And Zoning

Minutes:

Deb Herron reported on the Planning and Zoning meeting from September 13.

- The Planning and Zoning Commission discussed the fence built into the alley at 681 E Main St, Todd Wilkerson's old house. Deb has been in contact with the property owners and they understand the fence was built into the alley. They are willing to take care of the problem. This issue came up because the lot to the west is about to have a house built on it and the contractor was asking how to access the utilities. The City Council discussed the issue and how to address it. There are many places in town that have similar situations. The Council came to the consensus that they would deal with each case as it was brought to the City's attention. Deb asked if the Planning and Zoning should send the letter. Council Member Mecham said the City should send the letter to the property owners of 681 E Main St requesting them to move the fence.
- David Gill submitted an application to have his lot line adjusted between the two lots just west of Mike Price's house. He owns both lots and the adjustment maintains the lot requirements for a residential zone. However, he did not have the plat map prepared in time for the meeting so this item will be on the next Planning and Zoning agenda. Deb explained that David wants to move the lot line to give the corner lot a little more room for the next house he is planning to build.
- Doug Reid has submitted an annexation request to the City office. Deb showed the City Council which parcels Doug is interested in annexing into the City. The main reason he would like to annex is because he wants his meat production facility on Hwy 87 to be hooked onto the City's sewer system and not have to pay the 1.5 rate that county customers must pay for City utilities. He is planning to install the sewer line on his property along Hwy 87 so that he doesn't have to get a right-of-way from the State. Deb and Kim Riggle have never had to deal with an annexation before so they are learning the requirements and are passing along information to Doug as they learn everything that must be done. The City Council discussed the pros and cons with this project. Lane Genereaux was concerned that all the blood from the kill floor would kill the sewer ponds, but after spending time up at the facility and seeing how the facility is being designed with a separate tank for the blood, he thinks connecting them to the sewer will not be a problem. The General Plan shows this area as a potential place for city growth so fulfills this state requirement. The added expense to the City of expanding the water and sewer lines in this area will probably be offset by the increase in tax revenue from the meat production facility. There will have to be at least 2 public hearings during the annexation process and the petition will go to the Lt. Governor's office for approval before it can be finalized. Deb will keep the Council informed as this process continues.
- The Planning and Zoning Commission is preparing to bring the General Plan to

the public comment period. There are a few things that need attention like the table of contents and completing the maps. Ryan Allred has all the shape files he needs to finish up the maps that will be included. Deb showed the Council how to access the draft copy on the City's website and encouraged the Council to read the document and make comments.

12. 15 Minute Open Session

Minutes:

- Sheriff Tucker approached the Council.
 - As discussed in the last City Council meeting, Sheriff Tucker sent the 2nd Amendment information. He asked if the Council received the material and if they had any questions. Council Member Hamilton got some information from Iron County and wondered if Sheriff Tucker had seen it. Sheriff Tucker said that he had not seen it and would appreciate Council Member Hamilton sending it to him. He then asked where the City Council is with the Law Enforcement Contract. He understands the Council has lots of concerns with speed enforcement and the department is looking into this. He would like to get a contract in place as soon as possible. Council Member Hamilton suggested putting this item on the next work meeting agenda but recognizes that there are a lot of items already planned for the agenda. Sheriff Tucker will not be able to attend in person next Tuesday evening but may be available by conference call.
 - Council Member Baker is still reviewing the 2nd Amendment information. He and Council Member Hamilton traveled to a city in Iron County to look at how they are handling the 2nd Amendment issue and were asked how far Duchesne City is willing to push. Sheriff Tucker does not think Duchesne County will come to a decision anytime soon. Council Member Hamilton said it is not clear where the City should go with this issue. He will send Sheriff Tucker the final draft he got from Iron County.
 - Council Member Baker said Logan's Sheriff is not enforcing the vaccine mandate and asked Sheriff Tucker what he thought about that. Sheriff Tucker said he is not going to force anyone to get vaccinated. He explained some of the things that happened during the first COVID outbreak in 2020. Most of the victims were known drug offenders and had outstanding warrants anyway, so the Sheriff's department was able to legally detain some of them. However, the Tri-County Health department asked more of the Sheriff's department than was legal. He said the Department and Jail have been sued and he and a group of Sheriff's from other counties have counter-sued and won. He now can manage his own jail according to existing regulations and feels like it is running well. A mask mandate may come through the schools.
 - The Council thanked Sheriff Tucker for coming.
- Lane Genereaux reported to the Council about the sewer cleaning project performed by Twin D.
 - He distributed the final report and explained that a rating of 10 meant the line was completely clear and a rating of 0 meant the line was completely blocked. Of the lines that were evaluated, 7 lines were at a 0. These were cleared and cleaned. He got lots of data about the sewer lines and

manhole collars and knows which places are of concern. The lines behind Al's Foodtown and behind Lynn Hamilton's on 350 S are full of F.O.G. (Fats, Oils and Grease). Any lines rated 0-3 needed immediate attention. Of all the lines evaluated, only 13 needed to be cleaned.

- He feels like this method would be very beneficial to the rest of town. It cost the City about \$10,500 to do 48,000 ft of pipe, about \$0.22 per foot for the whole service. He figured it saved the City about \$10,500 because it would have cost about \$22,000 for the city workers to clean those pipes at \$.60 per foot. He suggested the Council look at putting this service into the budget.
- Much of the bench was not done and he has concerns about the main trunk line. He drives that line everyday to make sure there isn't sewage coming up through the manholes. He suggested that when they do the rest of town, they go back and look at some of the lines already tested and see how they look.
- Council Member Hamilton asked if this method can see the low spots. Low spots in a sewer line can cause big problems. Lane said this method cannot see the low spots unfortunately. Lane said he was very surprised by what they found up by the jail and thought it would be worse than it was. He also said there are some clay pipes in town and they were able to clean the pipes. Council Member Hamilton asked how they cleaned the clay pipes. Lane explained that they cleaned the pipes very gently using the Vac truck.
- The Council was glad to see such great results. Lane said the service came in \$20 under budget. Mayor Rowley said he would like to see this service done every year. Lane explained that it lowers the City's insurance costs.
- Council Member Hamilton asked if this process would work on the sewer line that goes over the river. Lane said the process only works on sewer lines 10 inches or smaller. Council Member Peatross asked if the City got the backup generator for that line. Mayor Rowley said they got the generator as part of the last sewer project. He explained it is a good thing the City got it when they did because orders for those generators are now 56 weeks out.

13. Book Of Complaints, Concerns And Comments

Minutes:

There were no new complaints, concerns or comments.

14. Mayor And Council Review Of Old Business

Minutes:

- Council Member Hamilton asked how the light for the new flag is coming along. Mayor Rowley explained the County has agreed to pay for it. The light will be placed on a 10 ft extension pole and mounted on one of the light poles on the west side of the outdoor arena. There is approximately 360 ft between where the light will be mounted to the flagpole. The Council discussed some of the FAA regulations and Mayor Rowley was told not to put a red light on the pole unless the FAA told him to do so. He would like to see the flag lit up and wishes the County could have this done quickly. Council Member Hamilton has looked at

Simplot's lighted signs and says they look pretty slick. Mayor Rowley says the County is only going to use two 40 Watt LED lights.

- Mayor Rowley reported on the meeting he had with South Duchesne Culinary Water, Inc. He said there are two HOAs that want to combine into one. Their main request is to lower the water rates. The Council does not think the residents in the Mini-Ranches should pay less than City residents. Mayor Rowley gave the council a copy of the letter from South Duchesne. The Council briefly discussed annexing the area into the City, but decided it was not in the City's best interest at this time. Jones & DeMille is doing some design work for the system because they were the only bidder for the project. Kevin Rowley was contacted to do the construction work for the project.
- The swimming pool is closed for the season and being winterized.
- Strawberry Cemetery's water pump is out of the water and done for the season.
- The Council briefly discussed the 9/11 service project to clean all the cemeteries. People met at the cemeteries and weeded, mowed, and washed headstones. The project was successful in sprucing up the cemeteries.
- City workers have been working on the weeds and brush around the football field. They have been cutting trees and brush trying to open up the area on the north side of the field. It is looking good.
- Council Member Peatross asked if the letter regarding the dog ordinance had ever been completed. Mayor Rowley said the girl he hired never completed the project and he was not going to pay her until it was done. The Council discussed how the letter should be able to be individualized and show 3 levels of severity. Council Member Peatross will talk more about this with the Mayor and see if he can put something together.

15. Work Session

Minutes:

There is a work meeting scheduled for Tuesday, September 21, 2021, at 6 pm to discuss the Ballfield Complex, Kinder Morgan Airport Easement, Finley Resources Water Agreement, and the Law Enforcement Contract

16. Executive Session

Minutes:

There was no executive session called.

17. Adjournment

Minutes:

MOTION by Council Member Mecham, seconded by Council Member Hamilton to adjourn the meeting at 8:26 pm.

- Council Member Baker- 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 09/23/2021,
adopted on 09/28/2021