Regular City Council Meeting

Minutes

Tuesday, September 28, 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, Jeannie Mecham, and Danny Peatross.

Public Attendees: Brenda Percival, Susan Hamilton, Rodney Nielsen, Mona Farnsworth, Jennifer Jenkins, Danita Hinton, and Deb Herron.

Council Member Browning offered the prayer.

2. **Minutes**

Minutes:

MOTION by Council Member Mecham, seconded by Council Member Browning to approve the minutes from August 24, 2021.

- 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.

MOTION by Council Member Peatross, seconded by Council Member Mecham to approve the minutes from September 14, 2021.

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

Motion carried by unanimous vote.

3. **Business License**

Minutes:

Brenda Percival presented her business, Sodavine, to the Council. She and her daughter bought the business from the Madsen's. Her daughter is a paramedic and

could not attend this meeting because of her work schedule. Brenda has been operating the business under Brian Madsen's current business license until the sale was final. Because of issues with the water at the property on Main Street, she has to find another location. She would like to have the business open year-round. She has spoken with other drink shops about how to overcome the challenges of being open year-round. She has gotten a lot of positive feedback from the community and feels like she can be successful here. She is working to get everything completed on the checklist.

MOTION by Council Member Browning, seconded by Council Member Hamilton to approve a business license for Sodavine contingent upon Brenda getting all of the items on the checklist completed.

- 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.

4. **Beautification Committee Update - Council Member Browning**

Minutes:

Council Member Browning reported to the Council regarding the Beautification Committee. Rod and Kathy Harrison received the Yard of the Month award. Shakti [O'Melveny-Rupp and Jon Rupp] across from the High School, received the most improved yard award. Council Member Browning has been having trouble actually giving them the award because Jon works out of town and they are gone a lot.

5. **Main Street Water Conservation Project - Council Member Browning**

Minutes:

Council Member Browning contacted Rick at Central Utah Water about getting a grant for the Main Street project. Central Utah Water would like to see green space with vegetation installed with the use of a drip system, not just concrete. Council Member Browning is not sure if keeping the trees counts toward the green space Central Utah Water is referring to. She believes the goal is to reduce the amount of water used on Main Street. After talking with Rick, she went out and got 3 bids for what she had sketched out for the project. One bid came back for $117,000 which would be reduced to $89,000 if there was no stamped cement included in the project and does not include removing the dirt. Another bid came in at $8 per square foot. The Council discussed the Central Utah Water grant and how much the grant will allow. Council Member Peatross thought the maximum for the grant was $30,000. Council Member Browning explained what she understood about the grant program. Central Utah Water will evaluate each project and determine how much to fund, usually a percentage of the total project cost up to a maximum amount. The grant application does not have a deadline and can be submitted anytime. However, the application must have the costs included at the time it is submitted. This is why she got the bids

and now that she has an idea about what the project will cost, she can put in for the grant. The Council discussed ways to incorporate a drip system into the existing water lines.and under the cement. Council Member Browning's design takes care of most of the problem areas along Main St. If this new design works out well, maybe the City can apply for another grant in the future. The Council discussed the pros and cons of stamped concrete and whether it would be better to put in pavers like the ones already in place along Main St.

6. **Duchesne Arts Council Update - Mona Farnsworth**

Minutes:

Mona Farnsworth, current Duchesne Arts Council President, introduced the DAC officers. Jennifer Jenkins is the Vice-President, Deb Herron is the Treasurer, and Danita Hinton is the secretary and new Executive Director.

- Danita reported to the City Council regarding the different painting events that have happened since the beginning of the year. The Spring Art Escape featured a watercolor painting of a floral arrangement. In the summer, DAC sponsored an Art Fever event with a cactus painting done in acrylic paints. This event was done on the lawn of the old School District Office building and had some interesting challenges with the wind blowing and sprinklers coming on but everything turned out well in the end.
- Jennifer reported on the Independence Day Celebration. DAC sponsored the patriotic program and the concert. The whole day was very enjoyable. Council Member Baker commented that he really liked the band this year.
- Mona reported on the theatrical production of "Joseph and the Amazing Technicolor Dreamcoat". It was a very successful production. Thousands of man hours were spent putting it together and it was a very positive experience for the community. Originally the production was scheduled to be performed outdoors but circumstances changed and it ended up at the school auditorium. The musical was very well attended by both residents and those from out of town. Council Member Peatross wondered if more people would have come had it been scheduled on a different weekend. Mona explained that she is not sure the auditorium could have supported many more people.
- Deb Herron reported on the Garden Walk that took place a few weeks ago. DAC arranged to visit 4 homes in town: Tom and Cindy Bruton; Rashea Miles; Angie and Adam Butler; and Nancy Wager. The rain kept some people away, but those that did attend had a good time and learned some interesting things about plants, water conservation, design features and what grows well in this area. The event was put together on short notice but turned out well. Treats were served at each location and featured fresh produce from local gardens. DAC has plans to expand the event next year and invite experts from the USU Extension and Central Utah Water.
- Jennifer Jenkins talked about the upcoming Fall Festival. DAC will combine an art walk with Duchesne Elementary School's Carnival and Trunk-or-treat to be held

at the Centennial Building on October 30th. The art teacher, Mrs. Sandy Wilde, is helping students create black light art that glows under UV light. DAC will create a display similar to the one last year set up in the old school district office. DAC is also sponsoring a pumpkin sculpting class the day before, October 29th, and will have a pumpkin contest at the Carnival.

- Mona talked about the Winter Festival planned for the first Saturday in December in conjunction with the Light Parade. DAC is planning a Nativity display along with a dinner and concert. “Bells of Joyful Sound” was contracted last year to perform but because of COVID that concert was cancelled. The group has been hired to perform this year at the concert beginning at 7 pm. Also in December, DAC will sponsor the Interfaith Sing organized by Merrilli McKee on December 19 at the school auditorium.
- Mona thanked the Duchesne City Council for their continued support.

7. **Baseball Complex**

Minutes:

Mayor Rowley summarized the work meeting discussion. The School District is already in the driver’s seat. Chuck Richins with Horrocks Engineers will assist in making sure the City’s interests are met. Mayor Rowley said Chuck was confused in thinking Horrocks would design the complex. Council Member Baker said Mayor Rowley misled Chuck into thinking Horrocks Engineers would be more involved. Council Member Hamilton asked who will pay Horrocks. Mayor Rowley said Duchesne City will pay Horrocks’ bill. Council Member Baker asked if there is any way to know how much the complex will cost. Mayor Rowley said there really isn’t a way to know at this point. Council Member Mecham commented that Horrocks already knows the issues with the City. Mayor Rowley agreed and said he is hoping to pay Horrocks out of the grant from CIB. Council Member Peatross commented that it looks like the trail will be kept intact. Mayor Rowley suggested the trail be put along the outside of the City’s property line so that it doesn’t have to be moved again. Council Member Hamilton said all the little details will come together later but the City needs an agreement in place. Mayor Rowley said he will run the agreement by the lawyers. Council Member Baker had a conversation with Brandon Bench about the budget for this project. Council Member Baker made it clear that if the School District goes over budget, it is on the District to pay the extra costs. He hoped he was not overstepping his bounds in speaking for the rest of the Council. Mayor Rowley asked the Council if they want to move forward with the project.

MOTION by Council Member Browning, seconded by Council Member Hamilton to move forward with the project and enter into a partnership with the School District.

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

Motion carried by unanimous vote.

8. **Kinder Morgan Airport Easement**

Minutes:

Council Member Peatross is good with the agreement. Council Member Browning said she read the agreement but doesn't understand enough about it.

MOTION by Council Member Hamilton, seconded by Council Member Baker to accept the agreement.

- 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.

Nancy from Kinder Morgan gave Mayor Rowley a copy to sign.

9. **Finley Water Agreement**

Minutes:

Mayor Rowley explained that this agreement has already been taken care of so the Council moved onto the next item on the agenda.

10. **Law Enforcement Contract**

Minutes:

Mayor Rowley said the Council is in the very beginning stages of working out a contract with the County. This topic will probably be on the next 6 or 7 City Council agendas. Council Member Mecham was under the impression that the County was going to propose a contract. Mayor Rowley explained that the City needs to decide what the contract should say and then give it to the County to review. Council Member Baker said the Council needs to make sure the contract includes what the City wants. Council Member Hamilton quoted from the existing contract and thinks where the contract says "assuming duties" might be a good place to add the Second Amendment verbiage that the City wants to include. He thought moving around some of the sentences would be appropriate as well as including the phrase "no civil asset forfeiture without due process". He would also like this phrase included in Section 6 where the document references fines and fees. Finally, he would like to see a termination clause. He said the existing contract was defaulted on because the Sheriff did not comply with coming to the City Council to report quarterly. Council Member Hamilton will work on the wording for the contract and bring it to the City Council to discuss. Council Member Browning asked if this contract is the place for the Second Amendment wording or should the Council adopt a resolution. Mayor Rowley believes the contract should include Second Amendment wording. Council Member Hamilton agreed that the City needs to adopt an ordinance and feels like the law enforcement contract is a good place to include Second Amendment wording. Mayor Rowley said he and the Council should think about which lawyer will review the Second Amendment wording. The Council discussed possible lawyers and Council Member

Hamilton suggested Mr. Bryan Knox may be able to review the City's documents at a low cost. Council Member Peatross mentioned that when Sheriff Tucker came he said that if he and the deputies are going to be handling citations, then the County Attorney would have to be involved. Council Member Peatross did not understand why this is. Mayor Rowley explained that the County Attorney would be prosecuting for the City. Several dog problems have been kicked out of court because the judge didn't like the City's ordinances. Council Member Baker said the City should get with the Attorney and see if the ordinances are prosecutable.

11. Lot Line Adjustment 840 N 500 E - David Gill

Minutes:

Deb Herron presented David Gill's plat map for the lot line adjustment. The line adjustment does not violate any of the setback or minimum lot size requirements for the residential zone. David Gill is adjusting the line to allow more room on the corner lot for setbacks and because of the geography of that property. The Council reviewed the plat map.

MOTION by Council Member Mecham, seconded by Council Member Baker to approve the lot line adjustment.

- 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.

12. 15 Minute Open Session

Minutes:

- Rodney (Red) Nielsen approached the Council to discuss Chad Tegan putting a gate across the alley that runs between his two properties. He does not believe this is right and if Chad can block off the alley then he should be able to block off the other end of the alley next to his house. What is good for one citizen should be good for another. He and his family have been using that alley and the highway access for years and should be allowed access. With the gate up, he cannot back his trailer up to park it next to his house. Council Member Peatross reminded the Council that access to an area doesn't create prescriptive use if the access is used with permission. The eastern end of the alley is the only access the Indian lot has to get onto any streets. The Council looked at the area on the County Parcel Viewer. Council Member Mecham said Chad gated the alley to prevent traffic from going across his property to use his highway access. Residents in the area use the highway access more than they use the city streets. Red has talked to Chad and said Chad thinks he owns the whole alley. Council Member Baker said the alley should not be gated because it is public property. Council Member Hamilton suggested a good solution would be to gate the Highway access. Chad has plans to put an electric gate on the highway access. Council Member Peatross said that the City cannot tell what uses the public may have for that alley and therefore the alley should remain

open. The Council discussed the problem and possible solutions. Mayor Rowley will talk to Chad and have him open the gate. He also noted that there are lots of this same kind of problem all over town.

- Council Member Browning talked about the water tank. She showed pictures of the graffiti and trash all over the place up on and around the tank. She would like to have signs put up that threaten fines for graffiti. She asked whether the high school senior class was organized and ready to paint the tank. Mayor Rowley said the project was organized. There was some discussion about whether the paint has been ordered and is ready to go. Mayor Rowley is waiting on the blue paint to come in. Council Member Browning offered to do the project if Mayor Rowley was not prepared to do so.
- Council Member Browning asked if Wiley was still mowing Main Street. She said it looks terrible. Wiley is supposed to be mowing but it is not clear when he last mowed.
- Council Member Browning asked if there were any plans for creating a turning lane at the intersection of Center Street and 400 N. She said the mornings are pretty dangerous on Center Street and southbound traffic sometimes has to wait a long time to turn onto 400 N. Meanwhile, traffic shoots around the waiting cars and goes into the dirt at Dick Timothy's house. She asked who she needed to contact at the State to get a turn lane installed. -Council Member Browning said there are goats being kept in the yard across the street from her house. She asked if they are allowed in that zone. Mayor Rowley said they are not allowed. He will have Matt Skewes go and talk to them.

13. Book Of Complaints, Concerns And Comments

Minutes:

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

14. Mayor And Council Review Of Old Business

Minutes:

- The Airport should have been put on this agenda so the Council could talk about the master plan. JUB is waiting on the Council to accept what has been done so far and vote to move forward. This item will be put on the next agenda.
- The water on Main Street will be turned off around October 15 and lines will be blown out. The Strawberry Cemetery pump will be pulled up soon. The pump is attached to a barge The city workers will remove the pump but Mayor Rowley is not sure if the barge will also be removed. Strawberry looks good for not being watered for the last 30 days.
- The light for the flag is ordered but the County is waiting on parts. There is about $10,000 left to pay on the flag. The flag has a tear in it and a new flag has been ordered. Keith Rowley is hopeful that this flag can be mended.
- Council Member Peatross asked if Mayor Rowley had heard anything more from Margie Peatross regarding the 4-wheelers driving up and down the alleyway. Mayor Rowley has not heard anything more about that issue.
- Council Member Peatross asked about the "My Best" convenient store. Mayor Rowley sent a certified letter but the store owner never picked up the letter at the post office. The Health Department pulled their operating license because of an undercover operation.
- Council Member Peatross asked if the Mayor got a sign for the Pope House.

Mayor Rowley has not gotten a sign. Kim Riggle asked if Mayor Rowley talked to Doug Nielsen. Doug would like to see the house sold so that taxpayer money does not go into maintaining it any longer.

- Mayor Rowley talked about Blue Stakes and how it is required by law to mark utility lines including irrigation water lines. Southside and Blue Bench Irrigation companies have representatives that mark the lines, but the Northside Irrigation users [North Duchesne Water Users] do not mark their lines. Duchesne City is taking on a big liability with Northside if a line breaks. Mayor Rowley will be meeting with Northside to determine the relationship that the City has with the irrigation company.
- Council Member Browning asked how the annexation was going. The City is waiting on the plat map to be submitted so Kim Riggle can certify the request.
- Council Member Browning asked what was happening at Killian's service station. There is a big hole with a fence around the property. Mayor Rowley is not sure but thinks the tanks are being dug up and removed. He suspects that the EPA is involved.

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 Baker, seconded by Council Member Peatross to adjourn at 8:21 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: _____