



Regular City Council Meeting

Minutes

Tuesday, November 9, 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, Bryce Hamilton, Jeannie Mecham, and Danny Peatross.

Public Attendees: Tiffany Lange, Tony Walters, Brady Herrick, Mason Miles (Uintah Basin Standard), Bryce Blanchard, Cody Ivie, Susan Hamilton, Rodney Nielsen, Chad Tegan, Alicia Tegan, Lane Genereaux, Jeanette Johnson (by phone) and Deb Herron. Council Member Jason Baker offered the prayer.

2. Minutes

Minutes:

MOTION by Council Member Hamilton, seconded by Council Member Baker to approve the minutes from October 26, 2021 with corrections.

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

Motion carried by unanimous vote.

3. Bills

Minutes:

MOTION by Council Member Hamilton, seconded by Council Member Mecham 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. EP Water Sales Contract

Minutes:

The Council briefly discussed the similarities and differences of this contract versus last year's contract. EP Energy pumped more than their contracted amount last year so this year's contract was increased.

MOTION by Council Member Peatross, seconded by Council Member Hamilton to approve the EP Energy Water Sales Contract.

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

Motion carried by unanimous vote.

6. Fire Protection Contract

Minutes:

The Council discussed the contract. Council Member Hamilton noted the 2.5% yearly increase but wondered if this would be enough to keep pace with the current inflation rate which is about 10%. Council Member Mecham asked if Duchesne City has a copy of the existing contract. Mayor Rowley said yes but that contract is dated back to 2008. Council Member Hamilton pointed out a few places where he thought the contract should include certain wording and gave those changes to Deb Herron to include in the final draft. Council Member Peatross wondered if Chief Russ Young is okay with this contract. He would like to get Russ's opinion. Deb Herron had talked with Russ and said he thought the contract looked good. Mayor Rowley asked if the Council was okay with having him sign it after the changes were made. The Council would like to see the final contract before the Mayor signs it.

7. Duchesne County Mitigation Plan Participation

Minutes:

Council Member Peatross read the last line of the Mitigation Plan and wondered what it meant. Council Member Hamilton commented that any money from the Federal Government comes with strings attached and the City may not want to do what is required. Council Member Mecham asked if the City needs FEMA. Mayor Rowley said FEMA is good to have on your side in a crisis. Council Member Baker asked if FEMA money was used for the Dollar Ridge Fire. Mayor Rowley said Duchesne County and Duchesne City received FEMA money. The use of the ballfields and park were paid for using FEMA funds. Council Member Baker asked if the City would still get money if they didn't sign the Mitigation Plan. Mayor Rowley thinks the City would still get money. Council Member Mecham asked what the time frame was for signing the document. Mayor Rowley is trying to get it done and turned in. Council Member Hamilton suggested having a work meeting to discuss this document on Nov 18 at 5 pm.

8. American Rescue Plan Act (ARPA) Money

Minutes:

Mayor Rowley said UBAOG did a training on ARPA (American Rescue Plan Act) at a recent meeting he attended. Council Member Peatross asked if this was the 80-page document included in the agenda packet. Mayor Rowley said yes and explained that this ARPA money is different from the \$200,000 the City received through the State. Council Member Peatross is concerned about taking anything from Washington because it feels like they are putting a financial gun to our head because of all the requirements attached to the money. Council Member Hamilton asked about the regions discussed in the documents. Mayor Rowley explained that Washington is trying to get away from State divisions and is putting different areas into regions. DRO stands for Denver Regional Office. Council Member Peatross is very nervous about accepting this money. Mayor Rowley agreed and said the money can be spent on infrastructure but not roads. Council Member Hamilton commented that the total money available is not that much when considering the costs of projects these days. Mayor Rowley explained that Strata Networks took a \$26 million grant to install fiber optics. Council Member Baker found it ironic that ARPA is providing money for coal communities while the government is actively trying to shut coal communities down. Mayor Rowley does not think the City should use ARPA funding.

9. Vacation or Fencing the Alley- Chad & Alicia Tegan

Minutes:

Alicia and Chad Tegan approached the Council to discuss the issue with them installing a gate across the alleyway next to their house. Alicia explained that this is the 2nd time she has come before the City Council to address problems associated with this alley and the Highway 40 access on their property. The first time she came was after her son was hit on his 4-wheeler while going about his chores on the property. She tried to get the problem resolved but was not able to at that time. Since then, she and Chad have almost been hit while working on their fence because someone stopped on Highway 40 waiting to turn into the access on her property and a truck failed to stop in time sending the stopped car toward Alicia and Chad. She gave several examples of how people have parked on her property blocking the highway access causing her to have to drive around by the church to get to her home. Since the alley is a dead end at her property, she is asking to have the alley vacated so that she can gate off the alley and prevent people from using her property as a road way to the highway. She explained that she went to Planning and Zoning and was told she could fence her own yard, so they gated the alleyway. Council Member Peatross asked how many access points there are to her property and which one is the most likely to be used. Alicia explained that there are 3 access points to the property and they mostly use the highway access. Council Member Baker asked how long the Tegan's have owned the property. Alicia and Chad have owned the property for approximately 20 years. Council Member Mecham explained some of the history regarding that property and when she and Lee bought it originally. Chad explained

that no one can turn right or left off of that alley without driving onto his property and there is no reason to drive past the gate. Alicia said she has City Council notes that show Ovirta Hayes (owner of adjacent property) was given permission to be able to use the Tegan's land but with the stipulation that the trailer would be moved as soon as she passed away. However, the property was rented right away and they didn't want to kick out the new tenants to move the trailer. Council Member Baker explained that the gate the Tegans installed crosses public property which should not have happened. He then asked about the gate that is used to close the access to Hwy 40. Alicia explained they own the access and close the gate every year when they go away for vacation and recently they have been closing it when they leave for weekends. Council Member Peatross commented that it takes a few years to train the public not to use that access. Council Member Baker pointed out that UPS, FedEx, and garbage trucks have all been using that access for many years, The Council, Alicia, Chad and members of the public discussed prescriptive use and whether that plays a role in this scenario. Council Member Peatross talked about prescriptive easement and said according to Utah Code, traffic use for 10 years makes it a roadway unless it is controlled. He went on to explain that the burden of proof is not on the landowner, but whoever is trying to use the land as a roadway. Alicia asked if she would have to pursue a resolution to this problem legally. She is asking the Council to vacate the alley or be given permission to close the gate. There was some discussion about the trailer adjacent to the Tegan's property being landlocked if the Tegans were to close the gate, however, Council Member Peatross pointed out that no one will be landlocked, just inconvenienced because there is another way to access the trailer. Tiffany Lange, new owner of the trailer, wanted to speak but was instructed to wait until the 15-minute open session. Alicia explained that she brought this issue to the Planning and Zoning Commission and thought that the application for vacating the alley was started at that time. Mayor Rowley said vacating an alley is a long process and requires a public hearing. Deb Herron said the Tegans would need to fill out an application and provide a plat map at the time of submission. She will help them work through the vacation process. Council Member Peatross commented that because of the ongoing litigation with the Tribe, it weakens the City's position to vacate streets and alleyways. It gives the impression that the City doesn't need the streets and alleys. Council Member Mecham said the City should be able to do what it wants with the city streets and not wait for the court case to be settled. Council Member Hamilton suggested talking to the City's lawyers about vacating the alley. Mayor Rowley thanked the Tegans for coming.

10. Planning And Zoning

Minutes:

Deb Herron reported on the Planning and Zoning Commission meeting held on November 8. The Commissioners worked on the General Plan. They have completed everything except a chart for the Affordable Housing section and a few more maps to be included. She showed the Council and public how to access the draft plan on the

City website and how to use the interactive table of contents to quickly navigate through the document. When the final draft is completed, she will bring it to the Council and the 30-day public comment period will begin followed by a public hearing after which the Council can vote to adopt the General Plan. Deb hopes to have the final draft ready for the next City Council meeting.

11. 15-Minute Open Session

Minutes:

Tiffany Lange, new owner of the property located at 127 S 500 E and adjacent to Alicia and Chad Tegan, approached the Council to express her concerns about gating the alley. She has been working on the property trying to get it ready to rent. She watched the garbage man get upset while trying to collect the garbage down that alley. She has also seen the UPS truck go down that alley so she knows the alley is well used. She is concerned that if the Tegans are allowed to gate the alley, there may be a chance the other end of the alley could be gated and her trailer would be landlocked. She is also concerned about the emergency vehicles being able to get to the trailer. She respects the Tegans concerns and will ask her tenants to park on the trailer property and not on the Tegan's property. Council Member Baker asked how her property would not have access if the alley was gated at Tegan's property. Tiffany said if that end of the alley was gated, then the other end could potentially be gated also and her trailer would be landlocked. She is also concerned because Hwy 40 would no longer be accessible from that side of the trailer which could inhibit fire truck access. Council Member Mecham asked if Tiffany knew about this problem before she bought the property. Tiffany said she did not know about this problem. Rodney Nielsen approached the Council and explained that he has been in communication with UDOT and is awaiting a response regarding the use of the highway access. He claimed the gate at the highway has not been closed and therefore is a public roadway. Council Member Mecham asked how long Rodney had lived in his house. Rodney said he's lived there for 8 years. Council Member Mecham asked how he could know if the gate has been closed or open for the last 20 years. Mayor Rowley said when he did the survey of that property years ago he advised the Tegans to lock the gate at least once a year to maintain control of the access. This is why Churches will chain off their parking lots once a year so no one can claim a roadway through their property. Council Member Peatross said the chain of title shows access goes to the Tegan's lot. Rodney said the State told him the gate should be left open and if the alley is gated the State won't allow the trailer a highway access. There was some discussion about how the trailer got an address. Deb Herron explained that MoonLake Electric requested an address for the property so that they could place a meter on the trailer. And since Duchesne City authorizes the addresses for city properties, Deb called Jerry Allred to have an address assigned to that home. Although MoonLake has meters on the individual houses, Duchesne City only has one meter for both houses on that parcel because the trailer does not face onto a city street and therefore cannot be separated from the home that faces 500 E. Mayor

Rowley said the City is very careful about not allowing any property to be landlocked by not allowing homes to be placed where the alley is the only access. Mayor Rowley said the City might want to consider requesting an access onto Hwy 40 from 500 E. The City had looked into this in the past but UDOT said it would cost about \$600,000 to create that access and the City chose not to pursue it at that time. Council Member Hamilton said he was able to procure some highway access points and thought the City should look into it. He then suggested there might be some land swap options.

12. Book Of Complaints, Concerns And Comments

Minutes:

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

13. Executive Session

Minutes:

There was no executive session called.

14. Mayor And Council Review Of Old Business

Minutes:

- Council Member Hamilton asked if the City workers can drive all the way around the ponds. Mayor Rowley said yes they can drive all the way around the ponds. The Council looked at the boundary lines and where they are actually located versus where the County Parcel Viewer shows them. Council Member Baker commented that the City has all it needs to access the ponds. Council Member Peatross asked if the fence was UDOT's. Mayor Rowley said it was not and discussed the fencing and where it is actually located. He said the City might have to negotiate with the new owners who want to put up storage units and a mechanic shop. Council Member Mecham asked if it was already sold and Mayor Rowley explained that the sale is in process. Council Member Peatross suggested that the City might need to do a boundary line adjustment.
- Council Member Peatross asked if Council Member Mecham was going to work with someone to cater the Christmas party. Council Member Mecham arranged with CoraLee Sanchez to cater the dinner.
- Council Member Peatross asked how the spotlight for the flag was coming along. Mayor Rowley said they are waiting on parts.
- Council Member Mecham sent the Council the response that Dawnette Browning got from Central Utah Water regarding the Main Street Conservation project. It looks like Central Utah Water doesn't want pavers but more green and better use of water. Mayor Rowley said they want more landscaping on Hwy 87 but some of those green strips are only 2 ft. wide. Council Member Hamilton noted that someone ran into the planter box next to Aunt Nee's Pizza place. Mayor Rowley said they took out a sign as well. UDOT replaced the sign the next day. The City will have to replace the planter box.

15. Resolution 21-4

Minutes:

Mayor Rowley read the resolution title out loud. Council Member Hamilton asked if Duchesne City has a Building Authority. Mayor Rowley explained that the City has a Building Authority which owns the city office building. Council Member Peatross wondered about the Building Authority owning the building when Duchesne County has Duchesne City listed as the owner on the tax records. He then asked about the word “acquisition” which was used in the title of the resolution. If the City owns the property, what is being acquired? The Council briefly discussed the use of the word and what it could mean. Kim Riggle said Jeanette Johnson, from the bond attorney’s office, was available by phone to answer any questions the Council might have. Mayor Rowley called and Jeanette explained that the wording is to satisfy the CIB attorney. Even though the City owns the property, the City will acquire equipment to complete the project and the CIB attorney prefers this wording be used. Mayor Rowley asked if there were any more questions. No one had any more questions.

MOTION by Council Member Baker, seconded by Council Member Hamilton to accept Resolution 21-4.

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

Motion carried by unanimous vote.

16. Adjournment**Minutes:**

MOTION by Council Member Baker, seconded by Council Member Hamilton to adjourn the regular City Council meeting at 7:38 pm.

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

Motion carried by unanimous vote.

17. Open a meeting of the Municipal Building Authority of Duchesne City**Minutes:**

Mayor Rowley opened a meeting of the Municipal Building Authority at 7:38 pm.

18. Resolution 21-5

MBA – Parameters Resolution: RESOLUTION OF THE MUNICIPAL BUILDING AUTHORITY OF DUCHESNE CITY, UTAH, CALLING A PUBLIC HEARING AND AUTHORIZING NOTICE OF INTENTION TO ISSUE NOT MORE THAN \$4,300,000 OF LEASE REVENUE BONDS FOR THE ACQUISITION AND CONSTRUCTION OF A NEW FOUR-PLEX SPORTS FIELD COMPLEX AND RELATED IMPROVEMENTS; FIXING THE MAXIMUM INTEREST RATE, MATURITY AND DISCOUNT OF THE BONDS; AND RELATED MATTERS.

Minutes:

Mayor Rowley read the title of Resolution 21-5. Council Member Hamilton commented that he did not see exhibit A and asked what this was. Mayor Rowley said exhibit A was the final Bond Resolution which has not been finished yet. Exhibit B is the time

frame, location, and parameters of the bond. Council Member Peatross asked if anyone had read the entire document and how big of a hurry the Council was in. Mayor Rowley explained that the resolution needed to be adopted tonight. Council Member Baker asked what is in this document that Duchesne City hasn't already agreed to. Mayor Rowley said the only thing he could see was that Duchesne City cannot take this to CIB without an agreement in place with the School District showing that they are willing to pay the loan. This resolution does not bind the City to pay, it just sets the parameters of the bond.

MOTION by Council Member Hamilton, seconded by Council Member Baker to adopt Resolution 21-5.

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

Motion carried by unanimous vote.

19. Adjournment

Minutes:

MOTION by Council Member Peatross, seconded by Council Member Mecham to adjourn the meeting of the Municipal Building Authority of Duchesne City at 7:43 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 11/16/2021,
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