Town of Leeds

Amended Agenda
Town of Leeds Town Council
Wednesday, June 8, 2016

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **Work Session** on Wednesday, June 8, 2016 at 6:30pm and a **PUBLIC MEETING** on Wednesday, June 8, 2016 at 7:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

Work Session 6:30pm

1. Discussion with Planning Commission regarding update of Zoning map and General Plan

Regular Meeting 7:00pm.

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
    a. Tonight's Agenda
    b. Meeting minutes of May 25, 2016
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
    a. Monthly community pot luck barbecues. Last Friday monthly at 7:00pm, May to September in Town Park
    b. Road sealing Thursday, June 9 and Friday, June 10 on those roads not sealed last year (excluding Main Street). Trash pick-up will start earlier in the day on Thursday, June 9.
7. Public Hearings:
8. Action Items:
    a. Resolution 2016-03, Adoption of 2016-2017 Final Budget for the General Fund and Capital Improvement Fund
    b. Update on and action, if needed, on Silver Pointe Estates Phase I
    c. Road repairs, Straight Stripe Painting, Inc.
    d. CLG Grant, CCC Camp work, Arid Lands for Humanity
    e. Zone Change on Parcel L-3-1-7-250 for Research & Results Engineering INC from Open Space (OS) to Commercial District (C) on approximately .06 acre
    f. Memorandum of Agreement between Bureau of Land Management –St. George field office, the Utah State Historic Preservation Officer, Washington County and the Town of Leeds regarding the Long Valley Land Exchange
    g. Discussion and possible action on the Peach Pit Pavilion improvements
    h. Planning Commission Appointment
9. Discussion Items:
    a. Update of Zoning map and General Plan
    b. Code Enforcement
    c. Fourth of July
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).

11. Staff Reports

Closed Meeting- A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale , exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).

12. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting;

The undersigned Clerk/Recorder does hereby certify that the above notice was posted June 7, 2016 at these public places being at **Leeds Town Hall**, **Leeds Post Office**, the **Utah Public Meeting Notice website** http://pmn.utah.gov, and the **Town of Leeds website** www.leedstown.org.

Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting for June 8, 2016

1. Call to Order:
   Mayor Peterson called to order the **work session** of the Leeds Town Council at 6:30pm on June 8, 2016, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR	x	
COUNCILMEMBER: ELLIOTT SHELTMAN	x	
COUNCILMEMBER: NATE BLAKE		x

Also in attendance invited by Town Council were, Gary Kuhlmann, Ralph Reid, Commissioners Poast, Swenson, Lewis and Nelson.
Commissioner Stirling arrived to the meeting at 6:38pm.

2. Discussion with Planning Commission regarding update of Zoning Map and General Plan.
   Town Council and Planning Commissioner's discussed the process for updating the Leeds Zoning Map and the General Plan.

1. Call to Order:
   Mayor Peterson called to order the **regular meeting** of the Leeds Town Council at 7:12pm on June 8, 2016 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR	x	
COUNCILMEMBER: ELLIOTT SHELTMAN	x	
COUNCILMEMBER: NATE BLAKE		x

2. Pledge of Allegiance by Councilmember Cundick.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:
   Councilmember Cundick moved to approve tonight's agenda and meeting minutes of May 25, 2016. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

5. Citizen Comments:

Rick Carson discussed his concerns about vacation rentals in the Town of Leeds with Town Council and Gary Kuhlmann.

Jo Sheltman, my name is Jo Sheltman. I am married to that gentleman over there (Councilmember Sheltman), up in Leeds. Dave Harbour really wanted to be here as an ex-official that used to be on the City Council and just wanted to say that his thoughts regarding the Town ordinances.
Jo Sheltman read the following letter off her phone:
Town officials are both elected and appointed or hired should have been sworn into office. This should have included their willingness to comply with and enforce all of the US Government, State laws and Constitution. In addition the oath should have stated that the Town officials shall comply with and enforce County and Town Ordinances. This often is very difficult for people. If they should not be a Town, they should not be a Town official if they do not think they can carry out that duty. The job of being a Town official is very serious and often you are required to take action on things that are extremely difficult and unpleasant, but when you took the office you and the peep past people have agreed to hold up these laws and ordinances. The ordinances that I am familiar with that are reviewed by Dave Church to insure that they were no conflicts with the State statutes. It is believed that the City and Town of Leeds ordinances do not conflict with any government, State or County regulation. This means that by enforcing our ordinances we are within our legal rights while promoting permit performing our duties. Over time the Town has had to take action when a violation of the Town ordinances exists. By the officials allowing anybody to violate our ordinances without taking any action it weakens our legal position. Therefore when a violation is noted action is required by the Town officials. This has been done several times in the past with very, very, good success. The problem is that some people just feel they cannot they can do anything and feel like it is not in the best interest of the Town and violates our ordinances and continue to violate them. Then when they get upset they are approached with a notification of potential repercussions and attempt to sue. All of this is not to say that the Town officials should not work with present and future Town residents, developers, and etcetera. The effort should be to arrive at what's best for the Town without compromising our Leeds Town ordinances. When items that may potentially arise in the future that could be detrimental to our Town or its residents, the Planning Commission, Town Council have the responsibility to write a new ordinance or revise one that currently exists in order to prevent the potential damage. I hereby declare that I am sending this to you. I really wish that you would continue to follow ordinances and have a device for all of us to be able to anonymously say when we feel that violations are glaring or in potential damage to our Town.
Mayor Peterson, Okay. I thank you for reading that in. With the people who are here, just so that there is no misunderstanding, our Town actually designates an enforcement officer. The enforcement officer is the Town Manager. We have not had a Town Manager here for over four years and we, as a Council, previously determined that the Mayor would be the Acting Town Manager. So as a result, I am the enforcement officer. I would say with regard to the suggestion

that the Town Council and Planning Commission does not enforce ordinances, that's not how the Town has designated we are going to go about enforcing ordinances is by having a ten-member enforcement committee. But rather it says that the Town Manager is going to do it. I will also tell you that every single violation that is brought to my attention has been addressed. Whether it has been successfully resolved or successfully resolved immediately – No, it's not always successful to do that. We did have a fairly extensive discussion a couple meetings back with regard to some of the issues with this. In the end, the way that the Courts tend to view this, and Gary please correct if I'm wrong, is that if compliance happens, there's not a lot of punitive nature that tends to get raised to the top. You're really focused on trying to get compliance. It's very expensive, as Gary, I remember speaking said that we could pay him a lot more money to have him dive in at the first sign of any kind of ordinance violation. But I don't want anybody sitting here this evening and I will contact Dave Harbour directly to let him know that any ordinance violation that is brought to my attention is not ignored. I have a regrettably large, active file of people that I am at various stages with in trying to get them to be compliant and if you ask me what I like least about being the Mayor, I will tell you it is being the compliance officer. Having said that, I am doing the job to the best of my ability and I think in a reasonable way to the best interests of the Town from a financial standpoint and from an outcome standpoint.

Jo Sheltman, I have a question from what I've been asked from other people, neighbors, said that what they wanted to know, there are other people that violate ordinances and they don't feel comfortable calling somebody and saying, "I am Joe Smith and I am going to call Kristi and say here are these people that are living in a hut next door to me, whatever, the ordinance that they were violating". So is there some way that we could have something anonymous? I mean instead of having you be the heavy. Is there some way that we, I mean we have rules, and we have regulations and if they're being ignored, can we somehow anonymously call and say "this violation is in conflict and what can the Town do to rectify the situation"?

Mayor Peterson, well I will tell you there have been anonymous submissions of things that have been non-compliant with ordinances and I don't ignore them. I treat them the same as others. I don't go in saying anything is gospel truth. Whether somebody is anonymous or willing to share their name, it doesn't mean that they fully understand the situation, but we do not have situations where we insist that somebody say what their name is and they are therefore the one reporting the incident. So I don't see where that's a problem. The one problem that I do see is, I do see people talking about how there are these violations and nobody ever does anything about it. Well, I've got to tell you something, when I haven't heard about it and supposedly it's been going on for a lot of months there's not a lot I can do about it and I've tried to encourage everybody and I'll encourage everybody here tonight , if that's the case, direct them to me.

Gary Kuhlmann indicated the Sheriff will only issue citations for criminal violations.

6. Announcements:

   Mayor Peterson announced the following events:

   a. Monthly community pot luck barbecues. Last Friday monthly at 7:00pm, May to September in Town Park.
      Danny Swenson indicated the time has changed to 6:00pm.

   b. Road sealing Thursday, June 9 and Friday, June 10 on those roads not sealed last year (excluding Main Street). Trash pick-up will start earlier in the day on Thursday, June 9.

7. Public Hearings: None.

8. Action Items:
   a. Resolution 2016-03, Adoption of 2016-2017 Final Budget for the General Fund and Capital Improvement Fund.
   Mayor Peterson indicated at our first meeting in May, the Council approved the Tentative Budget and in the 2nd meeting in May, was the Public Hearing. The gravel for Cherry Lane did not need to be adjusted in the budget because it will use B&C Road fund money that was already in the budget. There was a decrease of $135.00 to the general property tax revenue due to the projections received from the County; as a result, the total revenue for the 2016-2017 General Fund is $727,016.00.

   Mayor Peterson asked for a motion to approve Resolution 2016-03, adoption of the 2016-2017 final budgets for the General Fund and Capital Improvement Fund.
   Councilmember Cundick, I so move. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

   b. Update on and action, if needed, on Silver Pointe Estates Phase I.
   Mayor Peterson, on this particular map, it has been several years that Town Council first approved the final plat; however, there was to be a delay on the recording of the plat. There have been a variety of extensions that were granted on the recording deadline. There were two things that came up, the most recent one was the location of a storage tank for water and it was an update to the plat map to accommodate the storage tank within the development. There was a question raised on whether or not that particular tank could fit on that particular parcel that was being allocated to it. I had a discussion and is it still the case that it is acceptable to the LDWA?
   Commissioner Sheltman, it appears so, we still have not done all the Engineering. The last drawing I saw, it looks like it. Also, when we voted on it as a Council, we left it open to be able to move it a little bit. We still need to get the easements on it.
   Mayor Peterson, the easement on the tank itself?
   Commissioner Sheltman, the tank and also the easements for the water lines going to it.
   Mayor Peterson, ok I think we can circle back to that in a minute. The other item that was a condition was the water rights, there was some questions about the water rights. They were quitclaim deeds and it is my understanding they were converted to warranty deeds and there is no longer a question about the water on the property.
   Commissioner Sheltman, yes that issues been resolved.
   Mayor Peterson, as far as the easements, I don't believe and I will turn to Counsel on this one, that the easements themselves were a pre-condition, or a requirement before recording of the plat map.
   Gary Kuhlmann, we did not reserve that as a condition when we approved it. The only issue that would arise is the easements have to be located for the lots that are shown on the plat be built.

Commissioner Sheltman, there is two; one of them is a loop. LDWA got involved in it late last summer that is when we looked at the Engineering. There is also a loop that is required to get proper flow and pressure for the hydrants in Phase I, that's the other easement that we need over by the Rice Bank building.
Gary Kuhlmann, you should be looking to put them down property lines, not across them that would be the only issue that could arise regarding easements.
Glen Carnahan from Alpha Engineering representing Silver Pointe, we have actually worked with LDWA's Engineer to get the pipelines and the alignments that were requested. We have also drafted those easements and my client will get them signed and we intend to record them concurrently with the plat; in addition, they are kind of redundant because once the plat records, the pipelines will end up being in a dedicated public right-of-way, or on easements that follow the lot lines. We got both just to make sure we are covered and LDWA is covered.
Mayor Peterson, so if I understand correctly, turning towards our Counsel, that the easements are not something that would be a cause to delay the recording of the plat?
Gary Kuhlmann, no.
Mayor Peterson, ok and I believe since it was passed by the Council with stipulations and those stipulations have been meet, that there is no further action to take this evening.
Gary Kuhlmann, no, as long as they have been complied with, we can go ahead with the recording.
Mayor Peterson, there will be a need to collect a lot of signatures. It is my understanding that in the past, the Town didn't always do it themselves, but I think from a standpoint of a chain of control with regards to the map, it is very important that we will be the ones to obtain those signatures.

c. Road repairs, Straight Stripe Painting, Inc.
Mayor Peterson, in your packets you have a one page proposal from Straight Stripe for putting the highway striping down on Silver Reef Road. There are not a lot of striping companies in the State of Utah and not a lot of companies willing to bid on this size of a job in particular. Our consultant has checked and looked at it relative to a unit cost standpoint and is comfortable that it is very consistent with what they have done with other Municipalities within the Southwest Utah area. What I wanted to do is get approval from the Town Council that we could go ahead with this because it does not look as if we are going to be able to get three competitive bids that we require over $1,000 dollars. We are permitted to waive that under circumstances we deem to be appropriate.
Commissioner Sheltman, why do we not have other bids
Mayor Peterson, there is no other striping companies willing to bid on this.

Mayor Peterson asked for a motion to approve the Straight Stripe Painting bid for $2,747.00 for the striping on Silver Reef Road.
Councilmember Rohr, I so move. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			

COUNCILMEMBER: NATE BLAKE				x

d. CLG Grant, CCC Camp work, Arid Lands for Humanity.
Town Council discussed the three bids received from Arid Lands for Humanity for work on the CCC Camp and the Wells Fargo Building. 1st bid was for $10,760.00 dollars, 2nd bid was for $610.00 dollars and the third bid was for $801.00 dollars. To work on historical buildings is considered specialized work; therefore, three bids were not needed.

Mayor Peterson asked for a motion to approve the 3 probable cost analyses for $10,760.00 dollars, $610.00 dollars and $801.00 dollars.
Councilmember Cundick, I so move. 2nd by Councilmember Rohr.

Councilmember Rohr and Mayor Peterson discussed the windows in the CCC Camp.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

e. Zone Change on Parcel L-3-1-7-250 for Research & Results Engineering INC from Open Space (OS) to Commercial District (C) on approximately .06 acre.
Mayor Peterson, this was presented to the Planning Commission a week ago on June 1st. They reviewed it and held a public hearing on it and unanimously brought it forward to the Town Council recommending approval.
Councilmember Rohr, is there a short answer as to why they were choosing to move from open space to commercial?
Mayor Peterson, there was a setback requirement for an addition to be put on to be able to shelter things that they use in their business and in order to satisfy the setback, they had to purchase a portion of land from the adjoining land owner. That land was only zoned open space, so it needed to be rezoned commercial to allow for that to be constructed.
Councilmember Rohr so is this .06 acre being added to their current lot, or is it a free standing lot?
Mayor Peterson, I believe it is the same parcel, there is a lot line being adjusted with this.

Mayor Peterson asked for a motion to approve the zone change on parcel L-3-1-7-250 from open space to commercial district.
Councilmember Rohr, I so move. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			

COUNCILMEMBER: NATE BLAKE				x

f. Memorandum of Agreement between Bureau of Land Management –St. George field office, the Utah State Historic Preservation Officer, Washington County and the Town of Leeds regarding the Long Valley Land Exchange.
Town Council discussed the agreement.

Mayor Peterson asked for a motion to approve the Memorandum of Agreement between Bureau of Land Management –St. George field office, the Utah State Historic Preservation Officer, Washington County and the Town of Leeds regarding the Long Valley Land Exchange. Councilmember Cundick, I so move. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

g. Discussion and possible action on the Peach Pit Pavilion improvements.
Town Council discussed putting in a mister system or fans in the Peach Pit Pavilion.

Mayor Peterson asked for a motion to approve the expenditure for up to $1,500.00 on fans for the Peach Pit Pavilion. I will look into the cost on some other things too; just so we kind of have the full alternatives looked at.
Councilmember Cundick, I so move. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

h. Planning Commission Appointment.
Mayor Peterson, I do not have a final word back on Planning Commission but we will need to with the start of the New Year have an appointment at our meeting in July.

9. Discussion Items:
   a. Update of Zoning map and General Plan
   Mayor Peterson indicated we are looking to update our Zoning Map on a Town wide basis and the General Plan. Information will be coming out in our quarterly newsletter on July 1st.

   b. Code Enforcement
   Mayor Peterson, I am willing to look into anything. I am willing to go ahead and do what's necessary to try to get compliance, but unfortunately compliance sometimes takes time and

doing it economically sometimes requires you to be patient, as opposed to, the immediate gratification that is just not available, at least not with someone with my skill set. To the extent that you know of things that seem to be out of compliance, please let me know either through Town Hall, or directly to me, because as the acting Town Manager, I am the compliance officer for the Town.

c. Fourth of July

Town Council discussed the Fourth of July celebration.

Sheryl Lee, if the Fire Department is not going to do the Fireworks, it's been my understanding that part of the reason why we have a breakfast is to try to earn money to go back to the Fire Department. If they are not going to be involved that way, why are we doing a fundraiser for the Fire Department, why don't we do it for the Town of Leeds?

Mayor Peterson, it is certainly doable. The one thing I would say is in the past, there were count them on one hand, generally people who were not part of the Fire Department who were doing it. So I hope we can get other people, we have certain equipment that comes from the Fire Department members that would be very helpful for trying to cook a breakfast having been there. Maybe there are a lot of other portable grills that other people have that we could mobilize, but I would like to make it a joint effort and I think we could make it a joint benefit as well.

Sheryl Lee, are there people who have equipment that are even still on the Fire Department?

Mayor Peterson, I don't know.

Sheryl Lee, it shrunk drastically, the volunteers from Leeds, my understanding are maybe 4. So I don't think you are going to get a lot of support from the Fire Department, so why not make it a Leeds fundraiser and pay for it that way. It looks like we are making a fundraiser for somebody that is not supporting us at all.

Town Council discussed it further with Sheryl Lee.

Danielle Stirling asked if the Town had a budget to just provide the breakfast to Citizens and discussed the Fireworks with Town Council.

10. Citizen Comments:

Jo Sheltman, I am having a hard time understanding why all the heavy has to go to you to enforce Ordinances. What else can a Town do that is this small besides having the Mayor be the guy knocking on doors saying "you're not enforcing the rules". I think that stinks for you, we don't need a lawyer because that's expensive. I am having a really hard time with that because you (Councilmember Cundick or Councilmember Rohr) wouldn't want to do it, he (Councilmember Sheltman) may want to do it, but I don't want any Town Council member or the Mayor to have to knock on Jane Smith's door to say "you have 15 dogs in your house, you don't have a business license for it, so you need to shut this down" because then you're the bad guy. What does Veyo do, what does Winchester Hills do? There has got to be a code enforcer with a badge, there has got to be somebody that we can hire to say "this violation is being done, it needs to be enforced" and take the personal people out of it.

Mayor Peterson, let me answer first and then Gary if you have any ideas. There is a Mayors' Association of Washington County; it is one of the first meetings that I went to as Mayor. It is a very entertaining meeting because nobody learns anybody else's name; they all go Mayor, Mayor, Mayor when they address anybody. I have asked in those kinds of settings, what do you do and most have indicated they write the nasty letter and usually after a certain period of, time, most people comply. Some get tired of getting the letters and move out of Town. We actually went one step further and with a prosecutor, did initiate legal action against certain people who ignored the letters. I know

St. George has had major issues with code enforcement where two things have happened as I understand it. One is because of the angle of the camera, if somebody leaned over a property line a variety of violations were dismissed because it was viewed as you can't do that.
Secondarily, I believe they had an administrative law judge set up and I am not quite sure if that means the person is a lawyer or not, usually they probably are, but instead of the actual legal system, it was a special hearing that would take place. My understanding is they have had a real problem keeping that staffed.
Gary Kuhlmann, they have had people who stayed in there and the system works fairly well, but they have had challenges through it as well, as far as, due processing. Enforcement still becomes a problem.
Jo Sheltman, I guess my question is, why have laws? Why don't we all just have anarchy's?
Gary Kuhlmann, you have to have a heavy hand.
Jo Sheltman, right, you had people living in garages across the street for a long time and everybody complained about it. It finally got taken care of but that is illegal, it could have started a fire, they were disrupting the people that work in this Town, they were scary, I was scared, they approached me, they were drug addicts, they started enough fires. Why have a Town with laws? There has to be some kind of enforcer. I am appreciative of the fact that we have Peach Days and parties but if we don't follow the law, then why have a Town?
Gary Kuhlmann, we are following the law, the question is, how do you enforce it. You have three options. You can get staff members or Councilmembers to do it. You can hire someone and pay them to write the letter. Ultimately if the people do not comply, your option is to file suit, either civilly or criminally and you pay a lawyer to do that. Those are the options.
Councilmember Sheltman, what are we doing with the budget as far as legal, did we increase that? Here the way it works, if you want something do it, great. If you actually come to planning with drawings, your expenses and your request for a permit, you're a sucker.
Mayor Peterson, well I take exception to that categorization because I will repeat what I said earlier and that is, anything that has been brought to my attention, I have responded to. So to say that you can just do it, part of the problem that I am picking up on is people know of stuff that they are not telling me. I appreciate you telling me that I should not have to deal with that. The first letter that you read into the record kind of said, that if I wasn't man enough to do it, I should have not taken the job. I have been trying to do it, but the issue is that I don't want that message to go out. We went to the expense, we lost money in effect, and we spent money without retrieving it in order to get some compliance on certain issues, it had to be done. You mentioned how there were people living in garages, they are not there anymore. It is not because they got tired and left. There is still possibly a lingering issue there and there is follow up.
Councilmember Sheltman, we did increase legal didn't we?
Mayor Peterson, legal actually went down in the budget because we had kept it at a high level given the ongoing situation of an active lawsuit.
Councilmember Sheltman, the water company's been through this. You get an attorney and you basically fight it, you fight the people. That is part of having a Town and part of running a water company. Maybe we need to increase the budget. Word gets around quite quickly, I hate to use the water company, but word gets around quite quickly that you have to follow the rules and you're willing to use a smart attorney and basically take care of the issue. That is kind of what we need here because the word right now among certain people is, you can do whatever you want and it's not fair to the people who are following the rules. Eventually the problems get worse and not better if you let somebody do this; the next step is they will do this. Legal is part of it, let's just put it in there and start doing it. Then you have a process that is set up that these issues are basically more important and have to be dealt with more quickly. I think we had one across the street, that's

where your legal comes into it and you're going to spend the money because that's part of being the Town.
Darryl Lewis, Mayor where we are talking about a Fourth of July breakfast giving money to Hurricane Fire Department, why don't we start an enforcement fund. People can donate to it and we can hold fund raisers for it and pay a lawyer to do what the Council chooses.
Councilmember Sheltman discussed code enforcement further.
Mitzi Buttler indicated in some contracts the prevailing party pays for the attorney fees.
Gary Kuhlmann discussed how attorney fees work with the courts.
Town Council, Darryl Lewis, Jo Sheltman and Gary Kuhlmann discussed Code Enforcement further.
Danielle Stirling I want to be on record that first of all, I want to thank every one of you for what you're doing. I feel really bad that you feel like, in a sense, that when I had spoken to you, I think you felt like I was personally attacking you and I want on record that is not what I was implying at all. I have a lot of people in this Town that call me quite often, or if I go to the post office I get quite a bit of people that ask me questions and I think it is not the sense that you're not doing your job, by any sense of the word, and that's not what I ever meant to imply to you. I think what the problem was, especially with the problem across the street is, I would send my youngest to the park and she would come home and tell us about situations where the people that were over living in those were on drugs, or doing whatever, would come to the park. It was an emotional thing for me because it didn't feel like it wasn't necessarily that you weren't looking at the situation and doing something about it, but as a mother, it didn't feel like it was being done to the point where I felt my children were safe over here. That is where I think the point is on some of these Ordinances is safety, not necessarily that we think you're not doing your job, it's just that I think that when some thing's happening over there are actually illegal, it shouldn't be a situation where we give them a certain amount of time to comply.
Danielle continued to discuss it and want on record that she doesn't want the Mayor to think that she doesn't think he's doing his job because she completely respects the position he is in and the fact that he has a million things on his plate and the pedestal of being able to fill every ones needs, desires and wants is very high and she completely supports him as Mayor. She just thinks there is a certain situation for the safety of children and residents, that does not need to have such a long allowance to continue.
Mayor Peterson indicated what he would ask for is the timeline to be reduced from when people first hear about issues to telling him be close to zero and discussed it further.
Danielle Stirling asked how long they were able to stay there after they were given notice.
Mayor, I believe it was 2 months.
Danielle Stirling, and from what I understand, that was totally illegal on the point of you, where you could have completely gone in and said "this is illegal, you do not have a business permit".
Gary Kuhlmann, you can't kick them out. That's the problem; you can't go over there and say "this is illegal, get out right now". You can't do it.
Danielle Stirling, so that's not a criminal case?
Gary Kuhlmann, yes but you can't remove them. You can file a criminal case, but you cannot physically go in and have the Sheriff come and kick them out.
Mayor Peterson, the person you have the issue with is the land owner. You cannot go after the illegal tenants and just say to them "you're out".
Mayor Peterson, Gary Kuhlmann and Danielle discussed it further.

Danielle Stirling asked Ron if there was an option for purchasing the Wells Fargo Building from the County.

The Mayor, Danielle and Councilmember Cundick discussed it. Councilmember Cundick indicated the County was not looking to sell it; however, are more interested in partnering with the Town.

11. Staff Reports: None.

12. Adjournment:

Councilmember Cundick adjourned the meeting.
Time: 9:05pm.

APPROVED ON THIS 13th DAY OF July, 2016

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting for
June 8, 2016
Amended

1. Call to Order:
   Mayor Peterson called to order the **work session** of the Leeds Town Council at 6:30pm on June 8, 2016, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR	x	
COUNCILMEMBER: ELLIOTT SHELTMAN	x	
COUNCILMEMBER: NATE BLAKE		x

Also in attendance invited by Town Council were, Gary Kuhlmann, Ralph Reid, Commissioners Poast, Swenson, Lewis and Nelson.
Commissioner Stirling arrived to the meeting at 6:38pm.

2. Discussion with Planning Commission regarding update of Zoning Map and General Plan.
   Town Council and Planning Commissioner's discussed the process for updating the Leeds Zoning Map and the General Plan.

1. Call to Order:
   Mayor Peterson called to order the **regular meeting** of the Leeds Town Council at 7:12pm on June 8, 2016 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR	x	
COUNCILMEMBER: ELLIOTT SHELTMAN	x	
COUNCILMEMBER: NATE BLAKE		x

2. Pledge of Allegiance by Councilmember Cundick.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:
   Councilmember Cundick moved to approve tonight's agenda and meeting minutes of May 25, 2016. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

5. Citizen Comments:

Rick Carson discussed his concerns about vacation rentals in the Town of Leeds with Town Council and Gary Kuhlmann.

Jo Sheltman, my name is Jo Sheltman. I am married to that gentleman over there (Councilmember Sheltman), up in Leeds. Dave Harbour really wanted to be here as an ex-official that used to be on the City Council and just wanted to say that his thoughts regarding the Town ordinances.
Jo Sheltman read the following letter off her phone:
Town officials are both elected and appointed or hired should have been sworn into office. This should have included their willingness to comply with and enforce all of the US Government, State laws and Constitution. In addition the oath should have stated that the Town officials shall comply with and enforce County and Town Ordinances. This often is very difficult for people. If they should not be a Town, they should not be a Town official if they do not think they can carry out that duty. The job of being a Town official is very serious and often you are required to take action on things that are extremely difficult and unpleasant, but when you took the office you and the peep past people have agreed to hold up these laws and ordinances. The ordinances that I am familiar with that are reviewed by Dave Church to insure that they were no conflicts with the State statutes. It is believed that the City and Town of Leeds ordinances do not conflict with any government, State or County regulation. This means that by enforcing our ordinances we are within our legal rights while promoting permit performing our duties. Over time the Town has had to take action when a violation of the Town ordinances exists. By the officials allowing anybody to violate our ordinances without taking any action it weakens our legal position. Therefore when a violation is noted action is required by the Town officials. This has been done several times in the past with very, very, good success. The problem is that some people just feel they cannot they can do anything and feel like it is not in the best interest of the Town and violates our ordinances and continue to violate them. Then when they get upset they are approached with a notification of potential repercussions and attempt to sue. All of this is not to say that the Town officials should not work with present and future Town residents, developers, and etcetera. The effort should be to arrive at what's best for the Town without compromising our Leeds Town ordinances. When items that may potentially arise in the future that could be detrimental to our Town or its residents, the Planning Commission, Town Council have the responsibility to write a new ordinance or revise one that currently exists in order to prevent the potential damage. I hereby declare that I am sending this to you. I really wish that you would continue to follow ordinances and have a device for all of us to be able to anonymously say when we feel that violations are glaring or in potential damage to our Town.
Mayor Peterson, Okay. I thank you for reading that in. With the people who are here, just so that there is no misunderstanding, our Town actually designates an enforcement officer. The enforcement officer is the Town Manager. We have not had a Town Manager here for over four years and we, as a Council, previously determined that the Mayor would be the Acting Town

Manager. So as a result, I am the enforcement officer. I would say with regard to the suggestion that the Town Council and Planning Commission does not enforce ordinances, that's not how the Town has designated we are going to go about enforcing ordinances is by having a ten-member enforcement committee. But rather it says that the Town Manager is going to do it. I will also tell you that every single violation that is brought to my attention has been addressed. Whether it has been successfully resolved or successfully resolved immediately – No, it's not always successful to do that. We did have a fairly extensive discussion a couple meetings back with regard to some of the issues with this. In the end, the way that the Courts tend to view this, and Gary please correct if I'm wrong, is that if compliance happens, there's not a lot of punitive nature that tends to get raised to the top. You're really focused on trying to get compliance. It's very expensive, as Gary, I remember speaking said that we could pay him a lot more money to have him dive in at the first sign of any kind of ordinance violation. But I don't want anybody sitting here this evening and I will contact Dave Harbour directly to let him know that any ordinance violation that is brought to my attention is not ignored. I have a regrettably large, active file of people that I am at various stages with in trying to get them to be compliant and if you ask me what I like least about being the Mayor, I will tell you it is being the compliance officer. Having said that, I am doing the job to the best of my ability and I think in a reasonable way to the best interests of the Town from a financial standpoint and from an outcome standpoint.

Jo Sheltman, I have a question from what I've been asked from other people, neighbors, said that what they wanted to know, there are other people that violate ordinances and they don't feel comfortable calling somebody and saying, "I am Joe Smith and I am going to call Kristi and say here are these people that are living in a hut next door to me, whatever, the ordinance that they were violating". So is there some way that we could have something anonymous? I mean instead of having you be the heavy. Is there some way that we, I mean we have rules, and we have regulations and if they're being ignored, can we somehow anonymously call and say "this violation is in conflict and what can the Town do to rectify the situation"?

Mayor Peterson, well I will tell you there have been anonymous submissions of things that have been non-compliant with ordinances and I don't ignore them. I treat them the same as others. I don't go in saying anything is gospel truth. Whether somebody is anonymous or willing to share their name, it doesn't mean that they fully understand the situation, but we do not have situations where we insist that somebody say what their name is and they are therefore the one reporting the incident. So I don't see where that's a problem. The one problem that I do see is, I do see people talking about how there are these violations and nobody ever does anything about it. Well, I've got to tell you something, when I haven't heard about it and supposedly it's been going on for a lot of months there's not a lot I can do about it and I've tried to encourage everybody and I'll encourage everybody here tonight , if that's the case, direct them to me.

Gary Kuhlmann indicated the Sheriff will only issue citations for criminal violations.

6. Announcements:

   Mayor Peterson announced the following events:

   a. Monthly community pot luck barbecues. Last Friday monthly at 7:00pm, May to September in Town Park.
      Danny Swenson indicated the time has changed to 6:00pm.

   b. Road sealing Thursday, June 9 and Friday, June 10 on those roads not sealed last year (excluding Main Street). Trash pick-up will start earlier in the day on Thursday, June 9.

7. Public Hearings: None.

8. Action Items:
   a. Resolution 2016-03, Adoption of 2016-2017 Final Budget for the General Fund and Capital Improvement Fund.
   Mayor Peterson indicated at our first meeting in May, the Council approved the Tentative Budget and in the 2nd meeting in May, was the Public Hearing. The gravel for Cherry Lane did not need to be adjusted in the budget because it will use B&C Road fund money that was already in the budget. There was a decrease of $135.00 to the general property tax revenue due to the projections received from the County; as a result, the total revenue for the 2016-2017 General Fund is $727,016.00.

   Mayor Peterson asked for a motion to approve Resolution 2016-03, adoption of the 2016-2017 final budgets for the General Fund and Capital Improvement Fund.
   Councilmember Cundick, I so move. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

   b. Update on and action, if needed, on Silver Pointe Estates Phase I.
   Mayor Peterson, on this particular map, it has been several years that Town Council first approved the final plat; however, there was to be a delay on the recording of the plat. There have been a variety of extensions that were granted on the recording deadline. There were two things that came up, the most recent one was the location of a storage tank for water and it was an update to the plat map to accommodate the storage tank within the development. There was a question raised on whether or not that particular tank could fit on that particular parcel that was being allocated to it. I had a discussion and is it still the case that it is acceptable to the LDWA?
   ~~Commissioner~~ Councilmember Sheltman, it appears so, we still have not done all the Engineering. The last drawing I saw, it looks like it. Also, when we voted on it as a Council, we left it open to be able to move it a little bit. We still need to get the easements on it.
   Mayor Peterson, the easement on the tank itself?
   ~~Commissioner~~ Councilmember Sheltman, the tank and also the easements for the water lines going to it.
   Mayor Peterson, ok I think we can circle back to that in a minute. The other item that was a condition was the water rights, there was some questions about the water rights. They were quitclaim deeds and it is my understanding they were converted to warranty deeds and there is no longer a question about the water on the property.
   ~~Commissioner~~ Councilmember Sheltman, yes that issues been resolved.
   Mayor Peterson, as far as the easements, I don't believe and I will turn to Counsel on this one, that the easements themselves were a pre-condition, or a requirement before recording of the plat map.
   Gary Kuhlmann, we did not reserve that as a condition when we approved it. The only issue

that would arise is the easements have to be located for the lots that are shown on the plat be built.
~~Commissioner~~ Councilmember Sheltman, there is two; one of them is a loop. LDWA got involved in it late last summer that is when we looked at the Engineering. There is also a loop that is required to get proper flow and pressure for the hydrants in Phase I, that's the other easement that we need over by the Rice Bank building.
Gary Kuhlmann, you should be looking to put them down property lines, not across them that would be the only issue that could arise regarding easements.
Glen Carnahan from Alpha Engineering representing Silver Pointe, we have actually worked with LDWA's Engineer to get the pipelines and the alignments that were requested. We have also drafted those easements and my client will get them signed and we intend to record them concurrently with the plat; in addition, they are kind of redundant because once the plat records, the pipelines will end up being in a dedicated public right-of-way, or on easements that follow the lot lines. We got both just to make sure we are covered and LDWA is covered.
Mayor Peterson, so if I understand correctly, turning towards our Counsel, that the easements are not something that would be a cause to delay the recording of the plat?
Gary Kuhlmann, no.
Mayor Peterson, ok and I believe since it was passed by the Council with stipulations and those stipulations have been meet, that there is no further action to take this evening.
Gary Kuhlmann, no, as long as they have been complied with, we can go ahead with the recording.
Mayor Peterson, there will be a need to collect a lot of signatures. It is my understanding that in the past, the Town didn't always do it themselves, but I think from a standpoint of a chain of control with regards to the map, it is very important that we will be the ones to obtain those signatures.

c. Road repairs, Straight Stripe Painting, Inc.
Mayor Peterson, in your packets you have a one page proposal from Straight Stripe for putting the highway striping down on Silver Reef Road. There are not a lot of striping companies in the State of Utah and not a lot of companies willing to bid on this size of a job in particular. Our consultant has checked and looked at it relative to a unit cost standpoint and is comfortable that it is very consistent with what they have done with other Municipalities within the Southwest Utah area. What I wanted to do is get approval from the Town Council that we could go ahead with this because it does not look as if we are going to be able to get three competitive bids that we require over $1,000 dollars. We are permitted to waive that under circumstances we deem to be appropriate.
~~Commissioner~~ Councilmember Sheltman, why do we not have other bids
Mayor Peterson, there is no other striping companies willing to bid on this.

Mayor Peterson asked for a motion to approve the Straight Stripe Painting bid for $2,747.00 for the striping on Silver Reef Road.
Councilmember Rohr, I so move. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			

COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

d. CLG Grant, CCC Camp work, Arid Lands for Humanity.
Town Council discussed the three bids received from Arid Lands for Humanity for work on the CCC Camp and the Wells Fargo Building. 1st bid was for $10,760.00 dollars, 2nd bid was for $610.00 dollars and the third bid was for $801.00 dollars. To work on historical buildings is considered specialized work; therefore, three bids were not needed.

Mayor Peterson asked for a motion to approve the 3 probable cost analyses for $10,760.00 dollars, $610.00 dollars and $801.00 dollars.
Councilmember Cundick, I so move. 2nd by Councilmember Rohr.

Councilmember Rohr and Mayor Peterson discussed the windows in the CCC Camp.

Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

e. Zone Change on Parcel L-3-1-7-250 for Research & Results Engineering INC from Open Space (OS) to Commercial District (C) on approximately .06 acre.
Mayor Peterson, this was presented to the Planning Commission a week ago on June 1st. They reviewed it and held a public hearing on it and unanimously brought it forward to the Town Council recommending approval.
Councilmember Rohr, is there a short answer as to why they were choosing to move from open space to commercial?
Mayor Peterson, there was a setback requirement for an addition to be put on to be able to shelter things that they use in their business and in order to satisfy the setback, they had to purchase a portion of land from the adjoining land owner. That land was only zoned open space, so it needed to be rezoned commercial to allow for that to be constructed.
Councilmember Rohr so is this .06 acre being added to their current lot, or is it a free standing lot?
Mayor Peterson, I believe it is the same parcel, there is a lot line being adjusted with this.

Mayor Peterson asked for a motion to approve the zone change on parcel L-3-1-7-250 from open space to commercial district.
Councilmember Rohr, I so move. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			

COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

f. Memorandum of Agreement between Bureau of Land Management –St. George field office, the Utah State Historic Preservation Officer, Washington County and the Town of Leeds regarding the Long Valley Land Exchange.
Town Council discussed the agreement.

Mayor Peterson asked for a motion to approve the Memorandum of Agreement between Bureau of Land Management –St. George field office, the Utah State Historic Preservation Officer, Washington County and the Town of Leeds regarding the Long Valley Land Exchange. Councilmember Cundick, I so move. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

g. Discussion and possible action on the Peach Pit Pavilion improvements.
Town Council discussed putting in a mister system or fans in the Peach Pit Pavilion.

Mayor Peterson asked for a motion to approve the expenditure for up to $1,500.00 on fans for the Peach Pit Pavilion. I will look into the cost on some other things too; just so we kind of have the full alternatives looked at.
Councilmember Cundick, I so move. 2nd by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

h. Planning Commission Appointment.
Mayor Peterson, I do not have a final word back on Planning Commission but we will need to with the start of the New Year have an appointment at our meeting in July.

9. Discussion Items:
   a. Update of Zoning map and General Plan
   Mayor Peterson indicated we are looking to update our Zoning Map on a Town wide basis and the General Plan. Information will be coming out in our quarterly newsletter on July 1st.

   b. Code Enforcement

Mayor Peterson, I am willing to look into anything. I am willing to go ahead and do what's necessary to try to get compliance, but unfortunately compliance sometimes takes time and doing it economically sometimes requires you to be patient, as opposed to, the immediate gratification that is just not available, at least not with someone with my skill set. To the extent that you know of things that seem to be out of compliance, please let me know either through Town Hall, or directly to me, because as the acting Town Manager, I am the compliance officer for the Town.

c. Fourth of July
Town Council discussed the Fourth of July celebration.
Sheryl Lee, if the Fire Department is not going to do the Fireworks, it's been my understanding that part of the reason why we have a breakfast is to try to earn money to go back to the Fire Department. If they are not going to be involved that way, why are we doing a fundraiser for the Fire Department, why don't we do it for the Town of Leeds?
Mayor Peterson, it is certainly doable. The one thing I would say is in the past, there were count them on one hand, generally people who were not part of the Fire Department who were doing it. So I hope we can get other people, we have certain equipment that comes from the Fire Department members that would be very helpful for trying to cook a breakfast having been there. Maybe there are a lot of other portable grills that other people have that we could mobilize, but I would like to make it a joint effort and I think we could make it a joint benefit as well.
Sheryl Lee, are there people who have equipment that are even still on the Fire Department?
Mayor Peterson, I don't know.
Sheryl Lee, it shrunk drastically, the volunteers from Leeds, my understanding are maybe 4. So I don't think you are going to get a lot of support from the Fire Department, so why not make it a Leeds fundraiser and pay for it that way. It looks like we are making a fundraiser for somebody that is not supporting us at all.
Town Council discussed it further with Sheryl Lee.
Danielle Stirling asked if the Town had a budget to just provide the breakfast to Citizens and discussed the Fireworks with Town Council.

10. Citizen Comments:
Jo Sheltman, I am having a hard time understanding why all the heavy has to go to you to enforce Ordinances. What else can a Town do that is this small besides having the Mayor be the guy knocking on doors saying "you're not enforcing the rules". I think that stinks for you, we don't need a lawyer because that's expensive. I am having a really hard time with that because you (Councilmember Cundick or Councilmember Rohr) wouldn't want to do it, he (Councilmember Sheltman) may want to do it, but I don't want any Town Council member or the Mayor to have to knock on Jane Smith's door to say "you have 15 dogs in your house, you don't have a business license for it, so you need to shut this down" because then you're the bad guy. What does Veyo do, what does Winchester Hills do? There has got to be a code enforcer with a badge, there has got to be somebody that we can hire to say "this violation is being done, it needs to be enforced" and take the personal people out of it.
Mayor Peterson, let me answer first and then Gary if you have any ideas. There is a Mayors' Association of Washington County; it is one of the first meetings that I went to as Mayor. It is a very entertaining meeting because nobody learns anybody else's name; they all go Mayor, Mayor, Mayor when they address anybody. I have asked in those kinds of settings, what do you do and most have indicated they write the nasty letter and usually after a certain period of, time, most people comply.

Some get tired of getting the letters and move out of Town. We actually went one step further and with a prosecutor, did initiate legal action against certain people who ignored the letters. I know St. George has had major issues with code enforcement where two things have happened as I understand it. One is because of the angle of the camera, if somebody leaned over a property line a variety of violations were dismissed because it was viewed as you can't do that.
Secondarily, I believe they had an administrative law judge set up and I am not quite sure if that means the person is a lawyer or not, usually they probably are, but instead of the actual legal system, it was a special hearing that would take place. My understanding is they have had a real problem keeping that staffed.
Gary Kuhlmann, they have had people who stayed in there and the system works fairly well, but they have had challenges through it as well, as far as, due processing. Enforcement still becomes a problem.
Jo Sheltman, I guess my question is, why have laws? Why don't we all just have anarchy's?
Gary Kuhlmann, you have to have a heavy hand.
Jo Sheltman, right, you had people living in garages across the street for a long time and everybody complained about it. It finally got taken care of but that is illegal, it could have started a fire, they were disrupting the people that work in this Town, they were scary, I was scared, they approached me, they were drug addicts, they started enough fires. Why have a Town with laws? There has to be some kind of enforcer. I am appreciative of the fact that we have Peach Days and parties but if we don't follow the law, then why have a Town?
Gary Kuhlmann, we are following the law, the question is, how do you enforce it. You have three options. You can get staff members or Councilmembers to do it. You can hire someone and pay them to write the letter. Ultimately if the people do not comply, your option is to file suit, either civilly or criminally and you pay a lawyer to do that. Those are the options.
Councilmember Sheltman, what are we doing with the budget as far as legal, did we increase that? Here the way it works, if you want something do it, great. If you actually come to planning with drawings, your expenses and your request for a permit, you're a sucker.
Mayor Peterson, well I take exception to that categorization because I will repeat what I said earlier and that is, anything that has been brought to my attention, I have responded to. So to say that you can just do it, part of the problem that I am picking up on is people know of stuff that they are not telling me. I appreciate you telling me that I should not have to deal with that. The first letter that you read into the record kind of said, that if I wasn't man enough to do it, I should have not taken the job. I have been trying to do it, but the issue is that I don't want that message to go out. We went to the expense, we lost money in effect, and we spent money without retrieving it in order to get some compliance on certain issues, it had to be done. You mentioned how there were people living in garages, they are not there anymore. It is not because they got tired and left. There is still possibly a lingering issue there and there is follow up.
Councilmember Sheltman, we did increase legal didn't we?
Mayor Peterson, legal actually went down in the budget because we had kept it at a high level given the ongoing situation of an active lawsuit.
Councilmember Sheltman, the water company's been through this. You get an attorney and you basically fight it, you fight the people. That is part of having a Town and part of running a water company. Maybe we need to increase the budget. Word gets around quite quickly, I hate to use the water company, but word gets around quite quickly that you have to follow the rules and you're willing to use a smart attorney and basically take care of the issue. That is kind of what we need here because the word right now among certain people is, you can do whatever you want and it's not fair to the people who are following the rules. Eventually the problems get worse and not better if you let somebody do this; the next step is they will do this. Legal is part of it, let's just put

it in there and start doing it. Then you have a process that is set up that these issues are basically more important and have to be dealt with more quickly. I think we had one across the street, that's where your legal comes into it and you're going to spend the money because that's part of being the Town.
Darryl Lewis, Mayor where we are talking about a Fourth of July breakfast giving money to Hurricane Fire Department, why don't we start an enforcement fund. People can donate to it and we can hold fund raisers for it and pay a lawyer to do what the Council chooses.
Councilmember Sheltman discussed code enforcement further.
Mitzi Buttler indicated in some contracts the prevailing party pays for the attorney fees.
Gary Kuhlmann discussed how attorney fees work with the courts.
Town Council, Darryl Lewis, Jo Sheltman and Gary Kuhlmann discussed Code Enforcement further.
Danielle Stirling I want to be on record that first of all, I want to thank every one of you for what you're doing. I feel really bad that you feel like, in a sense, that when I had spoken to you, I think you felt like I was personally attacking you and I want on record that is not what I was implying at all. I have a lot of people in this Town that call me quite often, or if I go to the post office I get quite a bit of people that ask me questions and I think it is not the sense that you're not doing your job, by any sense of the word, and that's not what I ever meant to imply to you. I think what the problem was, especially with the problem across the street is, I would send my youngest to the park and she would come home and tell us about situations where the people that were over living in those were on drugs, or doing whatever, would come to the park. It was an emotional thing for me because it didn't feel like it wasn't necessarily that you weren't looking at the situation and doing something about it, but as a mother, it didn't feel like it was being done to the point where I felt my children were safe over here. That is where I think the point is on some of these Ordinances is safety, not necessarily that we think you're not doing your job, it's just that I think that when some thing's happening over there are actually illegal, it shouldn't be a situation where we give them a certain amount of time to comply.
Danielle continued to discuss it and want on record that she doesn't want the Mayor to think that she doesn't think he's doing his job because she completely respects the position he is in and the fact that he has a million things on his plate and the pedestal of being able to fill every ones needs, desires and wants is very high and she completely supports him as Mayor. She just thinks there is a certain situation for the safety of children and residents, that does not need to have such a long allowance to continue.
Mayor Peterson indicated what he would ask for is the timeline to be reduced from when people first hear about issues to telling him be close to zero and discussed it further.
Danielle Stirling asked how long they were able to stay there after they were given notice.
Mayor, I believe it was 2 months.
Danielle Stirling, and from what I understand, that was totally illegal on the point of you, where you could have completely gone in and said "this is illegal, you do not have a business permit".
Gary Kuhlmann, you can't kick them out. That's the problem; you can't go over there and say "this is illegal, get out right now". You can't do it.
Danielle Stirling, so that's not a criminal case?
Gary Kuhlmann, yes but you can't remove them. You can file a criminal case, but you cannot physically go in and have the Sheriff come and kick them out.
Mayor Peterson, the person you have the issue with is the land owner. You cannot go after the illegal tenants and just say to them "you're out".
Mayor Peterson, Gary Kuhlmann and Danielle discussed it further.

Danielle Stirling asked Ron if there was an option for purchasing the Wells Fargo Building from the County.
The Mayor, Danielle and Councilmember Cundick discussed it. Councilmember Cundick indicated the County was not looking to sell it; however, are more interested in partnering with the Town.

11. Staff Reports: None.

12. Adjournment:
Councilmember Cundick adjourned the meeting.
Time: 9:05pm.

APPROVED ON THIS 12th DAY OF October, 2016

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Clerk/Recorder