Town of Leeds

Agenda
Town of Leeds Town Council
Wednesday, August 10, 2016

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, August 10, 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.

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 July 13, 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 6:00pm, May to September in Town Park
    b. Leeds Wild West Day Saturday, October 8
7. Public Hearings:
8. Action Items:
    a. Town Prosecutor
    b Canyon Creek Improvements
    c. Old Highway 91 chip seal
9. Discussion Items:
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 August 9, 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 August 10, 2016

1. Call to Order:
   Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on August 10, 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		Attended by phone

2. Pledge of Allegiance by Councilmember Cundick.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:
   Mayor Peterson, tonight's consent agenda consists of tonight's agenda and the meeting minutes of July 13, 2016, I would like to propose one modification with respect to the Town Prosecutor, we have multiple candidates to speak with this evening. In order to be able to do that in closed session and then return to a public meeting, at which time we would anticipate taking action with respect to a Town Prosecutor. With that modification to tonight's agenda may I have a motion to approve the consent agenda?
   Councilmember Cundick, 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			

5. Citizen Comments:
   Kathy Vasquez, I live at 235 S. Main and I have had a problem with flooding at my house 4 times since the culvert got taken out in 2011. We have had 4 floods since that is gone that goes into my shop, guest room and garage. It just rushes down and Zack Sullivan is here, it goes through his yard and I have pictures of the flooding. I am perplexed at what to do now; I do not know who to go to. I don't know how to fix it because every time it rains and I am out of Town, I am afraid. I had to pull my carpet up and replace baseboards. I don't know what to do now. I was hoping I don't know if it is the City or the State.

Mayor Peterson, Main Street is overseen by the State, the Utah Department of Transportation. It is a State road. It is something where they come here a few times a year and will meet with us to address things. We are currently on a project to extend our curb and gutter on the opposite side of the road. There is curb and gutter by the home you are describing having the problem right now. I have in the past and I would be happy to speak with them and ask if they have any ideas as to what might be done. I will mention in the past, you did mention what had got covered over there use to be an open ditch irrigation system in Town that has been explained to me that was covered over before I arrived and that also served as a bit of a storm water transport system. So they have mentioned that there are certain situations, and I don't know if this is one of them or not, where the natural channel of draining got modified by home owners when the open ditch irrigation stopped being used and became a pressurized system put in. I will next see UDOT on Wednesday of next week and I will be happy to speak with them at that point. That will not necessarily get them here that quickly, but I think I should within a few weeks after that get him to come up here and look at it. I would be happy to have you join us to explain what you are experiencing had been while you were there so UDOT can know what the issues are and perhaps suggest. I don't want to promise anything, but they certainly have tried to be responsive if possible. They have on the other side of the highway reopened some of the historical channels that had filled in with silt to allow water to move to some of the old retention pond areas that would allow us to not have the storm water come down to Main Street.
Kathy Vasquez, the problem is I assumed that everyone knew I had a problem because Chief Lewis was always down at my house. My husband happened to be in Cedar City every time it flooded and he would come and bring sandbags and help me and Zack has tried to trench it and make it deeper. He has tried to make the trench deeper at my house so it at least stays away from my house. Also the curb that was put there, I just today walked through my house and looked out and the UPS guy was bringing a box and stepped over my curb, which is terrible and he tripped. It was today, so I took a picture of that. That whole curb that was beautified our City, I am not sure what to do with it, and it is dangerous.
Mayor Peterson, if you could leave the pictures with Kristi she can get them back to you just in case you are not able to be here when we meet with UDOT.
Councilmember Rohr, when was the last time that this happened?
Kathy Vasquez, a couple weeks ago.
Zack Sullivan, you said you just became mayor 2 ½ years ago and I feel like this is an ongoing problem. I wish you guys would be a little more productive or proactive about this situation. I mean you can see the sand bags that people have been putting out there for 5 years now. Have any of you guys noticed them
Councilmember Cundick, I haven't noticed them.
Zack Sullivan, well that's a problem that you guys haven't noticed what our Main Street looks like in Leeds if you ask me.
Mayor Peterson, I will tell you I have seen the sand bags but I have not seen the flood waters.
Zack Sullivan, do you think those sand bags are there for looks?
Mayor Peterson, no I think they are there to control water. I can also tell you that UDOT will be very quick to tell you that they do not Engineer for 100 year events, or 50 year events.
Zack Sullivan, that is 3 in 2 years. That is more than a 50 year event and more than a 100 year event and it is 3 in the last 4 years since 2011, so this is an ongoing problem. I know that it only affects 6 people on Main Street, so I am sure it is not the biggest concern, but we are kind of getting irritated with it. My rocks are getting filled up with dirt, the house is getting flooded, and it looks like crap on the Town of Leeds. I mean why not have a good looking Main Street instead of all these trashy yards. I think if you guys stepped up and made it a point, maybe the people on Main Street

will step up and make their yards look better, but when it is every 3 or 4 months, it is kind of hard to want to go clean out your rocks.
Councilmember Sheltman, Kathy if I may ask, how long have you lived there?
Kathy Vasquez, Since 2000.
Councilmember Sheltman, have you had flooding problems ever since you have moved here?
Kathy Vasquez, never did until they changed the street.
Councilmember Sheltman, is the water coming north from the street, or is it coming from anywhere else?
Kathy Vasquez, right through his yard, down the street up over the curb. So it comes through his yard and the street , down my driveway into my garage, into my shop.
Councilmember Sheltman, so is it going through your property to the back of your property from the driveway?
Kathy Vasquez, yes.
Councilmember Sheltman, how many of your neighbors are affected by it?
Kathy Vasquez, well I see they put a few walls up, up the street. I just know the dog's name, scruffy's dad, they have a wall that they put up and then the next person has a couple walls and I don't know if that is what I am supposed to do, but I can't put it across the sidewalk and that is where the water is coming from. So I don't even know how to fix the problem and then in the back, it has the same problem, so it almost seems like up at the corner. Then I heard that people up at the corner have had their basements flooded, but I just assumed people had already complained. I knew that Fire Chief Lewis knew I had a problem because he was always right down there when it started to rain and Tony would come down and bring sandbags.
Councilmember Sheltman, did the sandbags work at all?
Kathy Vasquez, no it helped, but it just made it move a little bit different. The only thing it helped was to move the water away from the building. If I wasn't there, I could imagine it would get deeper.
Councilmember Rohr, Mr. Sullivan, do you live on the corner of Mulberry?
Zack Sullivan, I live back behind the corner. So what it does is come in at my neighbor's corner, like where that v comes and then also it comes in at my house so Kathy gets; my house sits like this, so it channels down my house and then it all goes into Kathy's yard.
Councilmember Rohr, so is it coming off Mulberry also?
Zack Sullivan, no it could if it hopped the curb there, but I think it is really hopping the curb in the driveway on the corner.

Susan Savage, indicated she appreciate the double line that is on Silver Reef Road.

Councilmember Sheltman, if I may ask another question on the flooding, how many times has it happened this year?
Kathy Vasquez, this year, at least twice, it has happened four times where it has gotten to where I have had to pull the carpet back and baseboards off because it has gotten up the walls.
Councilmember Sheltman, have we done any engineering on this at all? Have we gone down and looked at it and plotted it out after it has rained to see?
Mayor Peterson, as I mentioned earlier, this is the first time it was mentioned to me that there was a significant flooding. I know that we put sandbags but were unaware that sandbags were ineffective.
Zack Sullivan, Wayne, sorry, but last year I met you right here up at the store and told you about that.

Mayor Peterson, we spoke about it and that was a very exceptional storm whether you want to argue it was a 100 year storm or not.
Zack Sullivan, I got your intentions that day, so it's not the first time you have known about it.
Mayor Peterson, well, it is the first time that this specific address has been mentioned in regards to the studio and all that.
Zack Sullivan, ok.
Councilmember Rohr, was that at the time that UDOT made some changes with the water flow that helped?
Mayor Peterson, that was at the time where the west side had some drainage issues in regards to things not reaching the retention pond and where we had the wash out between the sidewalks and the curb and gutter with fairly substantial depth on the west side of Main Street.
Councilmember Sheltman, is it possible we could do some engineering and do a site view on it to see if we can identify at least where the majority of the water is coming from?
Mayor Peterson, we certainly have the opportunity to utilize some of the resources from UDOT. We also are working on a curb and gutter project and we could speak with the Engineer. We are going to be hearing from him later tonight and ask him to look at that particular side of the road as well.
Councilmember Sheltman, it might be helpful and also maybe find out how many people were affected were maybe we could all meet on sight. At least one representative, we can't all get together, or two and an Engineer and actually go over where the problems are. It is pretty identifiable; it looks like water is coming from several sources. What about across the street where it pools. Is that left over from what you are getting?
Zack Sullivan, no that pretty much stays on that side. I have never personally seen it come over and add to that.
Councilmember Sheltman, so it is all coming from down the street.
Zack Sullivan, yes.
Councilmember Blake, is it possible to do some temporary drainage control with some trenching there just until the problem is resolved with UDOT?
Mayor Peterson, I think we would need to speak with an Engineer and UDOT to get some thoughts on that.

6. Announcements:
   Mayor Peterson announced the following events:
   a. Monthly community pot luck barbecues. Last Friday monthly at 6:00pm, May to September in Town Park.
   b. Leeds Wild West Day Saturday, October 8.

7. Public Hearings: None.

8. Action Items:
   a. Town Prosecutor
      Item deferred until after the closed meeting under item 11.

   b. Canyon Creek Improvements
      Mayor Peterson, in your packet you have the quote from ProValue Engineering Inc., which earlier in the year we had approved them to do the item survey, bridge and street drawings which have been done. At this point basis what they are proposing in the way of addressing the issue there is, we would need to have somebody oversee the project management, the bid process and they have proposed as part of their overall quote $1,760 to do that. It would be the

same firm that has drawn up the proposal here and I think from previous experience that intends to work well.

Mayor Peterson asked for a motion to engage ProValue Engineering for project management and meetings related to the Canyon Creek Drive repairs.
Councilmember Cundick, 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			

c. Old Highway 91 chip seal
Mayor Peterson, you can see the Washington County estimate on the page in your packet. Darren Cottam had initially estimated that this would be closer to $4,000. That was on the belief that we had 1000 feet of Old HWY 91. The reality is we have 1500 feet of it, as a result, it is very much ratio-wise in price on the $5,922.02 bid. What this would involve is utilizing the equipment from Washington County where they charge us for the operation of that and you can see there the chipper, loader, dump trucks, rollers and brooms are all coming from Washington County. We are going to be buying the oil and chips in conjunction with the City of Toquerville where they are having work done further along HWY 91and further to the North. We are going to benefit from better pricing by doing this in conjunction with them. We will also be bringing it up to the same level as the County did on their stretch of the road last summer so the whole HWY 91 will all be in similar repair. It is within the actual $50,000 that we budgeted, but is a section that we did not originally mention. So given the fact that we were given the opportunity, I wanted to bring it up for Council action to get approval for the $5,922.02 to address the Old HYW 91 chip seal that has been proposed.

Mayor Peterson asked for motion to approve that.
Councilmember Rohr, so move. 2nd by Councilmember Cundick.

Councilmember Sheltman, when is this being done and how long will it take?
Mayor Peterson, within the next 6 weeks and should be done within one day. It will also include striping.

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			

9. Discussion Items: None.

10. Citizen Comments: None.

11. Staff Reports:

Mayor Peterson, Ensign Engineering is here and I would ask for an update on the discussions you have had with UDOT and what the next steps would be to move this project forward.
Curtis Nelson from Ensign Engineering, we have been in touch with Jim McConnell over the region 4 area to discuss this project and figure out the funding. We have the preliminary drawings pretty much wrapped up, as well as, the actual lengths and quantities. In our discussions with him he said UDOT would cover the costs from asphalt to gutter and curb as well. That would leave Leeds to take care of the sidewalk portion of it. With this we need to start having discussions about relocating the water line. UDOT will not touch anything until we figure that out. That was a major concern and was something we need to engage in and Councilmembers can help us out with that.
Mayor Peterson, perhaps it would be helpful for the LDWA as a second hat here at Town Council to coordinate with you after the meeting on a date to meet. I would be happy to meet just for continuity on any follow up that the Town might need done with LDWA on that particular situation.
Curtis Nelson, we can help secure funding or anything like that. I kind of feel bad that they left (Kathy Vasquez and Zack Sullivan), UDOT is a little bit different with touching their roadway. They are very territorial, so I wish it was easy and you guys could step in and take care of it, but it is quite a process to have to go through them to make sure all there specifications and requirements are met.
Councilmember Sheltman, they have been good to work with and give quite a bit of lead way when working with them at the water company.
Curtis Nelson, yes when dealing with an encroachment permit, but when you start going and messing with the roadways as far as changing design requirements and slopes and grades that's a little bit tricky.

Councilmember Cundick, have we received the deed for the park area?
Mayor Peterson, I received a phone call from Bob Vervic yesterday and he said that particular parcel is not something that the Home Owners Association had viewed as being park land. He did not expect that they would get the necessary approval of the home owners to actually deed that over. My recollection is that it was actually identified as a park on a preliminary plat for a different development. Then when they recorded Silver Reef Highlands, they recorded that piece of open space going to the Home Owners Association. So I am not sure if there is a clear indication of it being park land in the Silver Reef Highlands documentation. It was in the Silver Creek Estates that I saw it being labeled as future park land
Councilmember discussed it further.

Action Item:

a. Town Prosecutor

Mayor Peterson asked for a motion to close the public meeting and move into a "Closed" meeting for purposes of interviewing a Town Prosecutor and following that session we will return to an open session to take action on that particular item.
Councilmember Cundick, so move. 2nd by Councilmember Blake.
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			

The closed meeting began at 7:32pm and went until 8:30pm. The public meeting reconvened at 8:30pm.

ROLL CALL:

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

Councilmember Rohr made a motion to approve a contract with Rachael Beckstrom as Leeds Town Prosecutor through the end of 2016. 2nd by Councilmember Blake. 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			

12. Adjournment:
Councilmember Cundick adjourned the meeting.
Time: 8:33pm.

APPROVED ON THIS 12th DAY OF October, 2016

Wayne Peterson
Mayor, Wayne Peterson

ATTEST:

Kristi Barker
Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council CLOSED Meeting Minutes

August 10, 2016

1. Call to order:
   Mayor Peterson called to order the "Closed" meeting of the Leeds Town Council at 7:32pm on August 10, 2016 at Leeds Town Hall, 218 North 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		Attended by phone

Also in attendance were, Kristi Barker, Garry Kuhlmann, Rachael Beckstrom, Rick Erickson and Bryan Wheat.

2. The closed meeting was held for purposes of interviewing a Town Prosecutor.

3. Adjournment:
   Mayor Peterson adjourned the meeting with the intent of reconvening the Public meeting after a motion by Councilmember Blake and 2nd by Councilmember Sheltman. 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			

Time: 8:30pm.

APPROVED ON THIS 12th DAY OF October, 2016

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Clerk/Recorder