

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, November 9, 2016

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, November 9, 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 October 12, 2016.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Mayor's Walk, Bonanza Flat Road, November 12 at 9:00am
  - b. Silver Reef Museum, Leeds/Silver Reef Home Tour, November 12, 1-4:00pm
7. Public Hearings:
8. Action Items:
  - a. Discussion and possible action regarding Planning Commission appointments
  - b. Discussion and possible action regarding Public Defender appointment
  - c. Ordinance 2016-07, 2017 Meeting Schedule
9. Discussion Items:
  - a. Review of 2016-2017 1<sup>st</sup> quarter financials
  - b. Volunteer response
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports:
12. Closed Meeting- A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
13. 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 November 8, 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.leadstown.org](http://www.leadstown.org).



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Kristi Barker, Clerk/Recorder

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# Town of Leeds

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## Town Council Meeting for November 9, 2016

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on November 9, 2016 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
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 Mayor Peterson.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Cundick moved to approve tonight's agenda and meeting minutes of October 12, 2016. 2<sup>nd</sup> by Councilmember Rohr. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

5. Citizen Comments: None.

6. Announcements:

Mayor Peterson announced the following events:

- a. Mayor's Walk, Bonanza Flat Road, November 12 at 9:00am
- b. Silver Reef Museum, Leeds/Silver Reef Home Tour, November 12, 1-4:00pm

7. Public Hearings: None.

8. Action Items:

- a. Discussion and possible action regarding Planning Commission appointments  
Mayor Peterson, last month I received two resignations. One of them was from Darryl Lewis and the other one was from John Poast. I have spoken to John Poast and he indicated he was

interested in reconsidering and he has done so and at this point, I would like to put forward the name of John Poast to be appointed to the Planning Commission with the term of what he previously vacated that would be expiring June 30, 2019.

Councilmember Rohr made a motion to approve John Poast to Planning Commission with the term ending June 30, 2019. 2<sup>nd</sup> by Councilmember Cundick.

Councilmember Sheltman, how many does that make now?

Mayor Peterson, 3 plus one alternate and I have contacted one other individual who said they might be available at the first of the year. I think it would be worth waiting to see if they are available at that point in time.

Councilmember Rohr, in other words, we will have one more meeting with the Planning Commission with four people coming.

Mayor Peterson, that would be my hope, it might be two total because of the fact that they generally meet earlier in the month than us in January. So there would be the December meeting and the January meeting.

Councilmember Rohr, we didn't have a Planning Commission meeting this month because there wasn't a quorum right?

Mayor Peterson, that is correct, one of the members was out of Town and one of the members was in poor health and unable to attend. Either one of those would have posed a problem.

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. Discussion and possible action regarding Public Defender appointment

Mayor Peterson, I asked our Town Council to be here with us, Gary Kuhlmann in order to bring us up to date on the effort to locate a Public Defender. In the packet we did receive two applications from people as a result of those efforts. Gary if you could summarize how they came to be and all.

Gary Kuhlmann, we sent out an email to Attorneys in the area. We targeted Public Defenders who are already doing this kind of work assuming they would probably come in with a lower fee. It went out to probably I would estimate 15 to 20 Attorneys and we got two responses back. I did get a couple of other inquires with questions, but they did not put in a proposal. At the Council's request, I know the Council wanted to see what others were charging and paying for their Public Defender services. The numbers are kind of across the board. I think at the meeting where it was asked for some additional follow up, it was indicated Apple Valley pays \$100.00 an hour. I contacted Hurricane, La Verkin, Santa Clara and Ivins. Santa Clara and Ivins do it together now because they have joined Police Departments. So they share the Court and they are sharing the Public Defender. They indicated to me, according to their payment records, they are currently paying \$50.00 an hour for a Public Defender to do that; which surprised the heck out of me; that is great if you can get someone to do it at that fee. Hurricane and La Verkin

have a contract where La Verkin uses Hurricane Justice Court as well. Hurricane charges La Verkin \$250.00 a month and then additional periodic bills for additional Public Defender work. They were able to find some invoices that the Public Defender had submitted to the Justice Court at \$75.00 an hour. So they weren't sure if that was still the rate, but based on those invoices which I think were a few months old, that is what they were able to find. So, \$50.00, \$75.00 and \$100.00 are the range we were able to find. The one that is charging \$50.00 an hour is one that got the flyer and did not respond to our request.

Mayor Peterson, the two that responded I believe were at \$110.00 and \$125.00 on the proposals. If I could ask Council's thoughts, we need to at some point have this. We currently have been just using an individual who has been appointed on an interim basis. I did that administratively and have kept you apprised of that and we can continue to do that. It seems like some with some kind of arrangement are at \$50.00 per hour. I suspect that this is something that you need to make sure you follow some sort of process and have a qualified Public Defender at the end of the process.

Gary Kuhlmann, what happens is there is a Constitutional right to be represented by an Attorney and be represented by an Attorney at the public's expense who can't afford it on their own. When that kicks in is in any case where there is a substantial likelihood that the person charged may do jail time. So if there is no chance of jail time accruing, there is no right to an Attorney under the Constitution. So basically you are looking at DUI's, this is probably going to be the biggest one where you would be looking at appointment of Council because there is a mandatory two day jail sentence for the first DUI. So you have that qualifying factor. Some assault cases perhaps, domestic violence, those more serious types of crimes. Some of the drug cases can get there; although, the legislature kind of revamped our law last year and reduced some of those penalties, so it kind of depends on what it is they are being charged with.

Remember that as a Town, we can only prosecute up to a class B misdemeanors and some class A misdemeanors under the alcohol law. So most of what we are charging and prosecuting are not very likely to generate jail time for the most part. Traffic offences, zoning violations and those kinds of things typically are not going to generate any jail time. If the prosecutor goes in and tells the judge right off the bat "we are not going to seek any jail time" and the judge determines that they are not going to, based on that issue, no jail time, they don't have to issue a Public Defender. I can't tell you how many cases there are going to be because we don't have any history with regards to the DUI cases we are going to be picking up.

Town Council and Gary Kuhlmann discussed the proposals of the two candidates further. Gary will look more into the proposed rate for the candidates and the item will be on next month's agenda.

c. Ordinance 2016-07, 2017 Meeting Schedule

Mayor Peterson indicated Councilmember Blake asked to be phoned in on this topic. The Mayor called Councilmember Blake; however, the call went to voice mail.

Mayor Peterson, I will try to relay what Councilmember Blake's suggestion was. Nate feels that our meetings are a bit too late in terms of when they start. There are other entities within the County that start their meetings as early as 5:00pm is what he was indicating. He was suggesting that we start our meetings at 6:00pm and I told him I would bring that to Council. I didn't feel like it was appropriate for me to comment on it because I don't have a particular time constraint. The other part that is a little more difficult is, we can pole the Council here, but also I think evaluating whether the community would be impacted by a different starting time either favorably or unfavorably. It is a possible action, but we can do this at the next meeting if it is



desired to have Nate here; however, I think it is worth talking about right now with regards to the starting time of the meetings and the dates.

Councilmember Rohr, looking at July for the Planning Commission meeting, is that going to be a problem with the day before a big holiday? The office will be open I assume on Wednesday the 5<sup>th</sup>.

Mayor Peterson, the office will be open on the 5<sup>th</sup> and I would think of all of the kind of days it falls; the 3<sup>rd</sup> is more likely to be problematic in that people would be taking a 4 day weekend. I don't think that the day after a 4-day weekend, if that is what people choose, would necessarily be a problem. It has also been a big "in the community" type of event, where a fair number of people participate here locally and seem to do their 4<sup>th</sup> of July celebrating here, in the borders of Leeds. I think we need to do one and then the other. We can look at the dates which is easy enough to do. This suggests repeating what we did this year which is the second Wednesday of each month for Town Council, with an additional one on the 4<sup>th</sup> Wednesday of May. That being where we are in the budget cycle, where we need to have a tentative budget approved by Council, a public hearing on that budget and then a final budget approved by Town Council. So the added meeting there makes good sense because many of the numbers that come to us, with regards to the revenue projections and the like, are only coming in. It's not that we could really get a good start on it earlier and do something at the April meeting.

Councilmember Rohr, when is the budget due, is it the 26<sup>th</sup>?

Mayor Peterson, yes I believe the budget is due Monday the 26<sup>th</sup> of 2017.

Councilmember Rohr, its Friday the 26<sup>th</sup> of May.

Mayor Peterson, no it's due in June. The ultimate budget is due in June and it may be the 22<sup>nd</sup>, the Thursday there for us, given when our cycle is. If there are no questions on the dates, what are peoples' thoughts about the starting time for the Town Council and I think it would be appropriate to ask the Planning Commission as well. So I guess we should assume we are not going to be taking any action tonight, but it might be a good idea for us to have an idea of what Town Council is thinking in regards to a starting time.

Councilmember Rohr, I don't have a problem with 6:00pm.

Councilmember Cundick, my memory isn't too good, but I think they tried 6:00pm a while back and not enough people could make it that early. My memory is not that good, but I know the issue was brought up in the past. I am available for either one, but I question if people coming home from work could be up here at 6:00pm.

Councilmember Sheltman, I agree with that, I think the 7:00pm works better for that reason.

Mayor Peterson, I think the other challenge with 6:00pm is even if people are home; it is not necessarily home in time to be able to eat dinner before it. If it is a long meeting, it is difficult for them to be here as long as it might be required and so that becomes very tricky if you're starting at 6:00pm and it turns out to be a long meeting. What I would suggest is, that we table this until next meeting and then we can make the final decision as required on the calendar, but have a chance to have Nate here as well to offer whatever input he would like.

## 9. Discussion Items:

### a. Review of 2016-2017 1st quarter financials

Ralph Reid, the first thing I would like to point out is for the budget numbers, they are spread out evenly over 12 months on a straight line basis, so it is going to create a number of variances simply because they don't indicate what the prior history was by month.

Ralph Reid discussed the highlights of the quarterly financials with Town Council.

### b. Volunteer response

Mayor Peterson, we received as a result of sending out a request in the trash bills, 8 people who indicated a willingness to work primarily either under community emergency response team, or flood control. I was pleased to get that and I am going to focus on the ones that said yes, as opposed to the ones that were not able to respond. I would suggest that we take these people up on it and start to organize something there. Are there any other Council suggestions, or comments regarding this volunteer effort? There were none for the Fire Department; there were several for the CERT and two or three for the flood control.

Councilmember Cundick, I guess the question is who is going to help them organize?

Mayor Peterson, what I would like to do, I think the CERT members have demonstrated a level above in regards to the willingness to commit time and I think we should try to involve them. Unfortunately the current coordinator of CERT in Leeds is me and I will look to get one of the other trained members to perhaps be willing to take over a coordination role there, but I would certainly be willing to work with them as well.

Councilmember Rohr, the flood work you think would come off the CERT?

Mayor Peterson, I think the CERT would have a fair number of people willing to do it, as well as the other people who are not trained up completely for CERT, but in the event of a flood control issue, they certainly could be sufficiently trained for them to be able to assist in advance of something, or during if it is unfortunately something that we are not able to get advanced preparation for.

Councilmember Rohr, it has been what 2 ½ years since our last CERT training.

Mayor Peterson, there was a second class that came through, so probably over a year.

10. Citizen Comments: None.

11. Staff Reports:

Mayor Peterson, you may recall, Council, at the last meeting that Karl indicated that he was going to be utilizing Daren Cottam in helping get some bids in with regards to the Canyon Creek culvert. Just earlier this evening, Daren notified me that he had some items to share with us tonight. It will not be an action item because we do not have it listed on the agenda.

Daren Cottam, I would have got these to you earlier but the last bid came in about 4:00pm this afternoon. Karl with Pro Value Engineering put together designs, a set of plans for the repairs. What is happening is, the box culvert at Canyon Creek, the two wing walls are separating from the main structure. Also, a cotton wood tree is growing above the North side of the structure. The wall on the top is being pushed off the main structure because of the cotton wood tree. Also, as you go down the road-way on Canyon Creek, West of the structure, the Town has put some rip rap in the ditch that really hasn't worked very well. They put it in over a year ago and shortly after that, we got a really big flood and right here at the interchange, you got 6 inches of mud under the underpass. It was a pretty big storm. We estimated the cost to do all of this work at about \$25,000. You can see the low bid was from Stout Concrete for \$32,264. Progressive Contracting was the second lowest bid at \$42,745 and Syphus Construction was \$62,207. So, pretty big discrepancy between the three bids. As I was looking at it, you could divide this project into two. If you wanted to you could take care of the repairing the structure, do all the concrete work, excavation and the back fill on the structure itself and then you could do the rip rap.

Town Council discussed it further. It will be on next month's agenda.

Daren Cottam, as far as the roads go, we have spent about \$50,000 this last year mainly doing the West side of Town in the Silver Reef area. We really don't have a lot of really big necessities

to do. All the roads are crack filled and sealed. I meet with Dean Wolfenstein from the County road department this morning. We went and looked at Silver Reef Drive, Wells Fargo and the end of Silver Reef Road where there is a speed bump that did not get chip sealed.

Councilmember Rohr, you mean Oak Grove?

Daren Cottam, yes Oak Grove, we also looked at Old HWY 91, the long portion to the County line. I think we have come up with an estimate of \$50,000 to chip seal those four sections of road in Town. That is almost 2 miles of road on Old Hwy 91 and then Silver Reef Drive, Wells Fargo and Oak Grove. Your roads when you go up through that subdivision in some areas are fairly narrow and there was thinking of widening that out three to four feet in some areas and the same with Oak Grove. On Oak Grove as you go down towards the bridge, it is really narrow and so that is going to take a little excavation into the bank. That will be a little bit of work there, but it will be worth it in the long run. I would like to meet with the Mayor to come up with some estimates for future work that you would want to do to the roads.

Mayor Peterson, and Angela.

Councilmember Rohr, Silver Reef Drive is taking a lot of traffic with success at the museum.

Mayor Peterson, somebody was going to look at the warranty work on the crack seal that was pulled out when we were doing the fog seal.

Daren Cottam, the weather is changing now and I have mentioned that to Straight Stripe, they have got some warranty work that they are going to be doing for me on another project, so I have them lined up probably in December is when we will be doing the crack sealing. I know on Canyon Creek where we will be doing the culvert, they missed a few cracks last year.

Councilmember Sheltman, what is the timeline on this? What would it be from start to finish do you think?

Daren Cottam, probably 30 days to complete. With the weather here you can pour concrete all winter long.

Councilmember Rohr discussed the recycling program with the Town Council.

Councilmember Sheltman, I have one question and we talked about it before, is it possible to get even in a draft form the agenda and the packet material the week before, at least before the weekend? Something like tonight is not that difficult, but it is just hard for me to work it in and sometimes it is quite complex. It would be a lot more helpful if I had a weekend to at least try to find some time to go over it. I hate waiting for the last minute on it because I don't feel like I am prepared.

Mayor Peterson, what I would like to suggest is I think we could provide the packet material to people as they become available and say these are likely to be on the agenda

Councilmember Sheltman, through the email.

Mayor Peterson, and then we can post the agenda as we get closer to the meeting.

Councilmember Cundick, the material can go out before the agenda.

Gary Kuhlmann, you can send out what you think might be on the agenda.

Mayor Peterson, we will look to do that as soon as it becomes available. Rather than group it together, it will be maybe two or three transmissions.

Councilmember Shleman, that is fine, the earlier the better.

Town Council discussed the Hurricane Valley Fire Department tax increase.

12. Closed Meeting: None

13. Adjournment:

Councilmember Cundick adjourned the meeting.

Time: 8:26pm.

APPROVED ON THIS 14<sup>th</sup> DAY OF December, 2016



\_\_\_\_\_  
Mayor, Wayne Peterson

ATTEST:



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Kristi Barker, Clerk/Recorder