

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, April 12, 2017

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, April 12, 2017 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 March 8 & 22, 2017.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Easter Egg Hunt, April 15 at 9am in the Town Park
7. Public Hearings:
8. Action Items:
  - a. Discussion and possible action on Main Street storm water
  - b. Discussion and possible action for a permitted use for massage therapy under Ordinance 2016-05, Chapter 17, Commercial District for Tatiana's European Spa
  - c. Resolution 2017-03, Open and Amend the 2016-2017 Budgets
  - d. Discussion and possible action regarding final change order for Canyon Creek Drive project
  - e. Discussion and possible action regarding Red Cliffs Road work
9. Discussion Items:
  - a. Preliminary 2017-2018 Budget
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 April 6, 2017 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).



Kristi Barker, Clerk/Recorder

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# Town of Leeds

## Town Council Meeting for April 12, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:03pm on April 12, 2017 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 Councilmember Cundick.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Cundick moved to approve tonight's agenda and meeting minutes March 8 & 22, 2017. 2<sup>nd</sup> by Councilmember Sheltnan. 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:

Susan Savage, I don't mean to comment every time, but I just did a little research. There were two or three people, who after the last meeting commented on the minutes, and I said "the minutes are posted on the Town website", and they said "no they are not". And so I said "I have seen where they are posted". So I went home and I could not pull them up myself, but I pulled them up on the State website. I did look into that, I came down and Kristi showed me where she pulled it up, so it may be my computer. But I read that, and then I did a little inquiring about what is included in the minutes and I learned, I think I learned, that the State requires that citizen comments are included verbatim, but the Council's comments are not, unless, well I am saying the Council's comments are not generally. The Clerk summarizes the discussion and records the decision, and what I was going to say was, over the years that I have attended meetings in different places, what the Councilmembers would do when they comment would be to say "I would like this in the minutes". Mayor Peterson, Thank you for doing that checking and for following up and speaking to that, because I think it is important for the people here. It is posted under Planning Commission and

Town Council. It is done at the same time it goes to the State website that you were saying you were finding those minutes. So thank you for doing that checking.

Susan Savage, I have responded to the people who had asked.

Ralph Rohr, I have been here for about ten years. I would like to address my concerns with the Council meetings. I appreciate the spirit of volunteerism from all of you, but I would like to address concerns with the Council meeting be conducted in an open and transparent session to the citizens of the community. Now I reviewed at the last meeting the fact that, and maybe I wasn't clear enough, but the minutes by law must be published to the public at the same time they are published to Councilmembers. I know from past experiences that Councilmembers frequently have not gotten them until the day before the meeting and they may be 15, 20 pages of minutes, which is a rather bit of a strain. I think perhaps a week prior would be suitable so that the people have time to properly understand and digest the minutes. The point about the citizens being able to see them is so we can know what is being approved prior to its approval in this meeting, which we have not yet had an opportunity to see. I have checked the Town website, the minutes are eventually published there, but not until after they are already approved. That is not in conformity with the Utah State Law for open meetings. Point number two, and I have three points, it is perceived when concerns arrive, it is perceived by the public that members of the Council individually may be meeting with developers, or other persons outside the Town community. It is very easy under those circumstances to our perception of a conflict of interest to arise, and as a matter of record, I would like to ask the Town Council to adopt a Resolution that no such private meetings with outside parties will occur, unless they are recorded, and full disclosure of the meeting, and participants, and discussion, and agreements, be published along with the regular meeting minutes of the Town Council. So the citizens will know what the Council is undertaking on our behalf. My third point is, based upon the prolonged discussion at the last meeting, and I mean prolonged, of Ask Creek and other sewer systems. It is obvious that this community is concerned about sewer systems being introduced by developers, and that concern was evident when Mitzi Butler and her comments referred to a document agreement with Silver Pointe Estates development that refers to the Leeds Town Sewer Department. Now, I don't know what Councilmembers had to look at prior to when you voted on that document. But, what I have seen is a document so small, that the fine print including the Leeds Town Sewer Department cannot be read entirely, even with a magnifying glass. So, I think it would be good too if people had more than a day to review the minutes and carefully understand what they have in them. This has been another reason I think to be sure that minutes, documents, and agendas, are published in a timely fashion, so people can really look at them. Finally, I want to close with a development in a recent associated press news article dated March 22 in Seattle.

Ralph read the article. It was about a sewage treatment plant that had failed in Seattle, Washington. Ralph Rohr, it should be no surprise to any informed citizen today, that America's infrastructure is failing miserably, and we lack the resources to repair it. So, I would like to say that we don't need to add infrastructure in this community that will cause us to have to manage, and repair that. I close with a single question, do we want to allow developers to influence and introduce expensive infrastructure that Leeds is unable to maintain, or repair, in which any house lower on a sewer line can fill with backed up raw sewage from another neighbor when the pumps, motors, electric panels and other gear fail for reasons unknown. If you want to push the responsibility off on some other entity, like Ask Creek, they might not be any more capable than Seattle in handling the problem. As far as I can see, only developers want this and they won't be around. Thank you.

Mayor Peterson, we do have our Town Attorney here, Gary do you want to perhaps address the first two points, the one about minutes availability?



Gary Kuhlmann, that one I will look at, it is my understanding that as far as determination of minutes, minutes in draft form are not public documents, and so that is the issue that we get to, and I am not positive you have to post the draft minutes. I will get you an answer to that question. With regards to the timing of minutes, and timing of agendas, that issue has come up several times recently. You have control of how ever you want to do that, one of the issues you face though is, the further out you put the agenda, the further out you close the agenda. So, if you want to have an agenda a week before the meeting, you can do that, but at that point, the agenda it closed. Unless you have some urgent matter that needs to get on there, an amended item, typically they don't get on there. So, the closer you get to the meeting of course, the more flexibility you have in getting items from the Council. I don't know if that answers you questions.

Mayor Peterson, well that was one, the other one was if an individual wants to discuss something with an individual member of the Council.

Gary Kuhlmann, that becomes problematic, and the reason is, because our form of Government is focused on access to you guys. One of the reasons you are elected is so the public can have access to you. Can you adopt rules? Yes you can. You can adopt rules for your dealings. Can you put in your rules that you will not, or cannot meet with anyone from the public without recording or something of that nature, yes. Do you want to rein in the public access to you as elected officials, that is the real issue, because that is kind of the crux of our Government, is access to our representatives. Now I have to say, and I have warned you in the past, I don't like out of Council meetings, because your decisions have to be based, not only your decisions, but your deliberation, and decisions, have to be based on information at an open meeting. And so I have told you in the past that if you go and meet with someone on an item that you have jurisdiction, and you talk about it with them, and then you come to a meeting and it is on an agenda, you need to disclose that you met with them. You need to disclose who was there; you need to disclose what was said, because that is part of your deliberation, and so that needs to come out in an open meeting. So I can't tell you, no, you can't meet with these people. But, you should be disclosing everything that is happening in an open meeting that has anything to do with your decision, or deliberation process. You need to make that known to everybody, right now with that rule; you need to do that, because the open meetings law says "deliberation has to happen in an open and public form".

Mayor Peterson, I believe about two years ago they made a ruling that said that draft minutes, when available to the body, are a public document and may be requested through a GRAMA request, but need not be posted until they have been acted upon as a body.

Gary Kuhlmann, I have to look at that because I don't remember. I can look at it now and tell you in the second part of public comments.

Councilmember Sheltman, just one question Gary, when we have, when we do the public comment section and that goes in the minutes. Do not those people who speak need to be able to see the minutes to see if they were represented correctly? I mean Ralph just spoke, we are going to put that in our meeting minutes, but he won't see that until after we approve it.

Gary Kuhlmann, the part that you face is that they have no ability to approve the minutes. They don't have that authority like you do. So it is kind of your job to listen to what they say and make sure it is adequately represented. Can they come in and say "hey, there is a problem with these draft minutes, I didn't say that", absolutely. And if there is some statement there that they think was in error, than they should come in.

Councilmember Sheltman, would that be after the fact that we approved the minutes?

Gary Kuhlmann, I will let you know as soon as I find out about when they have to go on. Because if the draft minutes have to go on, they can get them the same time they can make those comments beforehand. Question is are you going to open up to public comment on your minutes at every

meeting on your consent agenda and have your public be able to comment on what our minutes say. Like I said, it is your job to approve them and so you are the keeper of the gate.

Ralph Rohr, Mr. Mayor and Mr. Attorney, I have a copy of title 52, chapter for open and public meetings act and it specifically states that minutes that are written and waiting for formal approval are a public record and should be made available to the public. I see no reason why they cannot be placed on the Town website so the public can access what happened.

Councilmember Cundick, that is not the draft though.

Gary Kuhlmann, yeah, but understand that's minutes waiting for Council's approval. They haven't been revised, that is the issue that I have is between the time that the minutes are written by the Clerk, and they are revised by the Council so they can be approved, is that available. That is the issue that I am looking at. Once it is in draft form and Council makes all their changes to it and just waiting for approval, absolutely. Now understand

Ralph Rohr, we don't see changes until the next meeting.

Gary Kuhlmann, well I understand, I am just saying that is the issue that I have with it. Does it interfere with timing; absolutely it interferes with timing with what you are trying to do. Can the minutes go on there in draft form, yes, because these are requirements of when they have to go on. We can do other things, they can but by that you can create your own problems again because you may have statements there that are simply inaccurate, and then it comes back and gets changed, and then people start arguing about all that was said. So it gives you the first shot to correct them and get them in a form that you think is accurate.

Ralph Rohr, I also have the Utah League of Cities and Towns interpretation of the law here. And the main thing here is that people have the opportunity to be informed, not that they are going to come and make changes, or revisions, or complicate, the procedure, but that they are informed of what is being proposed, not after the fact, but before the fact. For Councilmembers, forgive me, I know my wife doesn't get the minutes until the day before, and if you have fifteen, twenty pages of minutes, you are tired, you got to rest of your life to live, but that is not enough time to adequately review and look at the fine print with a magnifying glass. You understand what I am saying

Gary Kuhlmann, sure absolutely.

Ralph Rohr, I do appreciate your comments about meetings by individuals outside, I think that is absolutely right on and is what I was trying to say, but you said it better.

Gary Kuhlmann, and I appreciate your comments as well, let me look at that and see. It is just that time frame in-between, but understand again, that doesn't mean that you can't decide to put them on earlier if you wanted to do that. You can do that, it just starts shifting timeframes that you are on and limits your flexibility as you get to the meetings.

Mayor Peterson, I believe that it was brought up at the last meeting and agreed to by Council that we would get it out by the weekend before, and on Thursday the minutes were available in draft form for the Councilmembers, as well as the agenda being posted. The other thing that I would highlight is, with every body that I have been a part of, the body is really trying to make sure there is an accurate record with the minutes. The minutes are not the primary means for the public to be aware of what is happening. The reason why you have an open and public meeting is so the public can attend and hear it firsthand, and certainly they are entitled to know what happened after the fact, but I don't think they necessarily have to be part of the process. The body should be able to come up with what they agree is an accurate representation of what took place at that meeting.

You are entitled to read them as soon as they become available in draft form to the Councilmembers, but it says it is a public record, it doesn't say it needs to be posted. I think we need to discuss as a Council and I don't know that tonight is the right time. I think we should give it some thought, but I know that also we have got some situations that when a draft is out there, I have had it happen, that people latch on to that draft, read that draft, keep that draft, and then

challenge when the amended final approved version is in place and they are not there when that takes place. Then you have all sorts of misunderstandings because people looked at one draft verses the actual approved version.

Ralph Rohr, that's why there is a water mark in big print that says "draft" and not "final".

Mayor Peterson, unfortunately people seem to miss that point as things go forward, but I think we can discuss that at a later point.

Sam McKnight, I come tonight as a concerned citizen. As I go to the post office and drive up the road, when I go out to the outside board there is a big sign Hurricane Valley Fire Department recruiting, need volunteers. When I lived here in Leeds, I was a member of the Fire Department for eight years. I have a 98% show up record to all the calls, I was very active. When I lived in Minnesota, I was a volunteer Firefighter for two years. I am a current fire fighter 1 and 2, and hazmat. I lost my EMT because it expired when I was in Afghanistan, I got injured there. I spent two years recovering there in a wound clinic and when I got home, I had to learn how to walk again and so my EMT expired. I haven't had a chance to retake the course. I have tried to contact the Fire Department, Scott over there, trying to get on. I have submitted applications, I have submitted all my certifications, and he won't call me back. I tried calling there and they send me to, I get passed around from one phone to another. I am told that I am not qualified now because I don't have my EMT. I am a current Firefighter 1, Firefighter 2, and hazmat. As soon as they have a course available, I am more than happy to take the EMT course, because I enjoy helping my community. When they put up signs saying "we need volunteers", they should be able to make it available and I am not the only one that has had this problem, I have talked to other people who have thought about joining but they just get the run around. Tonight I see you have a preliminary budget discussion, is Hurricane Valley trying to keep people from Leeds from joining so they can ask for more money to put paid Fire Fighters in Leeds instead of the community take care of itself? Again, this is a big concern because I am a part of Leeds, I ran with the Fire Department for many years. I helped build the two brush trucks; I helped get the ambulance going. I was an EMT here, so I don't know if the community can help me, or the Council, or what, but I want to serve and be a member of it. Again, if you are being paid, you are full time, I understand that. You have to be a Firefighter 1, 2, hazmat and an EMT. We are volunteers; you shouldn't have to be held back until a couple of classes are available, because that could be two years before you get into a course. I know a couple of EMT's in Leeds that went on a car fire a couple of months ago, they were scared to death because they were forced to become Fire Fighters. They were scared to death to go attack that car. Well, why are we forcing them to be in that spot when I am here, I am willing to be a member of the community, a member of the Fire Department. If we get an ambulance call, I can drive the ambulance. I have been a State Trooper, I have been through the emergency vehicle operation course, I know how to drive emergency vehicles. That frees up any other Paramedic or EMTs to take care of the patient while I drive the vehicle. Again, I am pleading with Council to clear this up and is this Hurricane trying to take control over the whole area and ask for a bigger budget for their, our, paid Fire Fighters.

Mayor Peterson, thank you for the work that you have done in the past and your willingness to do so. I haven't heard of this issue before of what you have had, but I will be happy to talk with the Fire Chief and Deputy Chief in order to try to see if we can get some input there. The consolidation of Leeds Area Special Service District into the Hurricane Valley Fire Special Service District took place because there were not enough volunteers, and it was regrettable; there was a desire to see Leeds keep its own Special Service District for fire and for ambulance. It was regrettable that we were not able to do that, but the Fire District made the decision that they could not continue on as an independent basis and they did consolidate with Hurricane Valley. Hurricane Valley at the time of consolidation had different policies than Leeds area, with regards to you had to be both fire and



medical. They wouldn't just accept somebody being one or the other, but not both. Leeds when it was its own Special Service District did allow people to choose fire, medical, or both. Sam McKnight and the Mayor discussed it further. The Mayor will contact Hurricane Valley Fire District to get their input.

6. Announcements:

Mayor Peterson announced the following event:

- a. Easter Egg Hunt, April 15 at 9am in the Town Park

7. Public Hearings: None.

8. Action Items:

- a. Discussion and possible action on Main Street storm water

Mayor Peterson, Elliott, do we have a proposal at this point from our Engineer who was looking at that?

Councilmember Sheltman, you don't, we were supposed to get one yesterday. It may have been my fault, as far as the actual proposal. We did have one earlier that stated what would be covered on that before, we had the walk through two weeks ago. Basically what we are looking at is the area that we covered two weeks ago, Wednesday, was the area that will be looked at and engineered to find out what the problems are and what we can do to fix it. The cost on that is \$2000.00 from Rasmussen Engineering.

Mayor Peterson, is that ProValue?

Commissioner Sheltman, yes.

Mayor Peterson, I thought Karl had indicated he was going to update things and provide a little more detail after the walk through, because he did seem to think there were things he was seeing at that walk though that were not apparent to him the first time he had been there looking at the site.

Councilmember Sheltman, basically most of it we discussed it for several meetings and did the walk though. Most of it is more of a contractual agreement stating basically that area will be covered for that price.

Councilmember Cundick, I thought, maybe I am not clear on this, I thought Karl was going to give us several options on ways he could look at it. I may stand corrected, but in talking with him that evening when we walked it he said there was several approaches we could use on this. I think we need to know what those approaches are, if we are going to pay for all three of them, or one of them, or how that is going to work out.

Councilmember Sheltman, the only thing I remember that was presented that way was, using the drone along the sidewalk area to get an idea of the drops and lifts in the area.

Councilmember Cundick, I think we do need a written proposal from him to evaluate it.

Councilmember Sheltman, we did have one I believe a month ago when one was presented.

Councilmember Cundick, I am sorry, I don't recall seeing one. Could we find that in the records, so we have a copy of that?

Kristi Barker, the email?

Councilmember Rohr, the proposal.

Kristi Barker, are you talking about the email that just says it will be \$2,000.00, is that what you are talking about? I can go dig it out if you want. It was an email.

Councilmember Sheltman, I believe it gives the area that is covered as well doesn't it.

Kristi Barker, I think it just stated one block.

Mayor Peterson, it stated the first block would be \$2,000.00 and additional blocks would be

\$1,500.00. I am just listening to Ron, Angela I don't know where you come out, as to whether you would want to see some more detailed proposal from Karl before discussing it further, or whether you think we have enough information to try to take action this evening.

Councilmember Rohr, well during the walk through, instead of just doing a block, I had the impression that Karl was saying that he would make a block of some of the problem sites to give us a better idea. And I guess I was thinking that the ball was in his court to present us with the job proposal, which he was going to do.

Councilmember Sheltman, I will have to get a copy of that then, I don't have it at this time. I was expecting to have one.

Councilmember Cundick, I do recall hearing the various prices depending on how much he did, but I didn't recall the details of what he was going to include in that. I would like to see more detail if he could give us that.

No action was taken.

- b. Discussion and possible action for a permitted use for massage therapy under Ordinance 2016-05, Chapter 17, Commercial District for Tatiana's European Spa

Mayor Peterson, this issue was brought before Planning Commission because in our permitted uses in our commercial zone, it does not specifically list massage therapy, or spa, as permitted uses, but it does have a clause at the end that says "the Planning Commission may recommend to the Town Council any other use which is consistent with the spirit of the others that are provided in the list of uses". That application was reviewed, it is in the packet and forwarded to everyone by email after the Planning Commission had made that recommendation. It is now in front of us with the recommendation from Planning Commission that it be permitted. I believe the basis was they felt that it lined up reasonably well with a medical clinic type of definition.

Mayor Peterson asked for a motion to approve the recommendation of the Planning Commission to allow the permitted use of massage therapy under Ordinance 2016-05, Chapter 17 for Tatiana's European Spa.

Councilmember Rohr, question, do we need to change the Ordinance to add this in as a permitted use?

Mayor Peterson, no the language in the Ordinance states that the Planning Commission may recommend other uses. There is no longer the eliminator clause that said "if it is not listed as a permitted or a conditional use, it is prohibited".

Councilmember Rohr, I move that we approve Tatiana's application. 2<sup>nd</sup> by Councilmember Cundick.

Councilmember Rohr, there was the issue of the illuminated sign which violates our Sign Ordinance, so that would need to be remedied one way or another.

Mayor Peterson, one thing I notice, I was out of Town until early this morning, but I did notice the illuminated sign was not illuminated today and there was a paper sign in the window just instructing people how to contact, for any kind of future appointment there. But I think it is perfectly reasonable and I will ask our attorney on this as well that we can approve this subject to compliance with all Town Ordinances.

Gary Kuhlmann, yes, if you approve it, they have to comply with all of the Town Ordinances.



Councilmember Sheltman, I agree that it is just an extension but just to put on the record, she does have a license for a massage therapist from the State of Utah.

Mayor Peterson, ok, I do believe that is required to be in the massage business.

Councilmember Sheltman, put it on the record.

Mayor Peterson, ok, because there were some people without those earlier in the year down in St George.

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

Councilmember Rohr, her professional license expires in May, so we need to do a follow up to make sure it gets reactivated.

Gary Kuhlmann discussed it and indicated whenever they renew their license; they need to bring it in for their file.

c. Resolution 2017-03, Open and Amend the 2016-2017 Budgets

Mayor Peterson indicated there was a Public Hearing at the last meeting and discussed the amendment.

Mayor Peterson asked for a motion to approve Resolution 2017-03, to open and amend the 2016-2017 Budgets.

Councilmember Cundick, I so move. 2<sup>nd</sup> by Councilmember Rohr.

Councilmember Rohr, we have more than one Capital Improvement Fund, right?

Mayor Peterson, no, there is only one Capital Improvement Fund.

Councilmember Rohr, ok because I was under the impression this amount was targeted for our sidewalks.

Mayor Peterson, the requirement is that when you move money into a Capital Improvement Fund that you have sufficient projects to utilize the money that you are moving into it. We have over \$200,000.00 estimated as cost of projects in that fund and this will keep us under the \$200,000.00 still. It is not earmarked specifically to a project, it is just you must have projects that would exceed or meet the costs that are going to be the actual balances in that fund.

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. Discussion and possible action regarding final change order for Canyon Creek Drive project  
Mayor Peterson indicated there was not a change order at this time; however, there may still be one.

No action was taken.

- e. Discussion and possible action regarding Red Cliffs Road work  
Mayor Peterson, stated there is a letter in the packet estimating the cost for road work on Red Cliffs Road. The road is in the County and Leeds. The estimate cost is \$4950.00 to haul, grade and compact material that would keep the dust down.  
Town Council discussed it further.

No Action was taken.

9. Discussion Items:

- a. Preliminary 2017-2018 Budget

Mayor Peterson, indicated we will be closing the books on the 3<sup>rd</sup> quarter shortly, it should be sent out to Councilmembers by email next week. The budget needs to be adopted at the first meeting in June; therefore, a preliminary budget will be prepared for the first meeting in May and a Public Hearing scheduled for the second meeting in May.

10. Citizen Comments:

Gary Kuhlmann, there has been some changes to the law. Basically there are three classifications for minutes now: pending, draft and approved. All three are public documents under Gramma which means that

Councilmember Rohr, would you define pending?

Gary Kuhlmann, pending is defined as waiting for review, let me use the technical language here.

Councilmember Rohr, like tonight's minutes, the various stages, how would that fit.

Gary Kuhlmann, tonight's minutes, after the meeting is over and they are drafted, they would be pending.

Councilmember Rohr, so the first thing would be the pending?

Gary Kuhlmann, the pending, once you go through and make the changes they are draft, and then once you approve them, they are approved. So that is how it will go. I don't know if you want me to read the definition.

Councilmember Rohr, maybe, how long is it?

Gary Kuhlmann, I don't know it keeps going to Indonesian; it wants to translate the code in Indonesian. Let me suggest this, because you have different correlation with GRAMA than you do with the open meetings act, and part of what I am talking about is the open meetings act. The open meetings act makes all three of those public records, which mean that with GRAMA, you can come in and request them. That has nothing to do with posting; it just has to do with whether you can request them under GRAMA. Then there are some requirements in here for posting to the website, but it is not for pending. May I suggest because one of the things that is in here as well, I don't know if we have it, is a process or approval of minutes. I don't know if we have adopted that as part of Council's rules, and we should. One of the things we should do is adopt that and say this is what happens, here is pending, based on the law, pending does, or doesn't, go out. There is a 30 day time period under the open meeting act where it has to be made available regardless of what it

is. It has to be made available at the office; it doesn't necessarily need to be posted yet. But then it goes from one status to another where it does get posted. Recordings have to be available 3 days after meetings, so there's an ability to come and listen to the recordings. So maybe it would be best to put this in writing for you with some suggestions on rules for approval of minutes. We can include other things because some things you run into is, you have different people at meetings and you don't have three that were at the prior meeting to know what happened, and oftentimes people will abstain, and so how do you approve the minutes. Well you can do it, so we can address all of those, so may I suggest that and I am happy to coordinate and get a copy out so you can review it too, and make that suggestion to come up with rules for minutes and when they go out.

Mayor Peterson, ok one thing while you are there is GRAMA requests are something that are different names in different jurisdictions, but that is the Utah term for it. As government records access and management act just so people in the public understand, it is not the Town trying to be difficult when you come in and ask for something, we have you fill out a GRAMA request. We will provide a small number of copies at no charge, we will provide an electronic copy at no charge. If it is a substantial amount of copying, we are entitled to and I think it is fair to the community that we don't just run a copying service and print out a thousand of pages; so there is a charge if you look to do that. But the request if somebody has a GRAMA request is not trying to complicate the process. It is trying to make it so everyone is treated equally and fairly for those records. It is a simple form, I think we have ten days to respond to a GRAMA, we try to do it as quickly as possible. It is usually on the spot even, where people will hand across a GRAMA request application and we will hand what they have asked for.

Ralph Rohr, in reading from the Utah City Leagues and Towns interpretation of the law they say "it is not just having a meeting open to the public that is policy of the State of Utah, it is also the deliberations", which would include minutes and addition, or whatever, "are conducted openly". If you keep these two policies in mind it is easy to comply with the open and public meeting acts.

Personally, if the minutes are available by GRAMA, it requires a citizen to take their time to come in and request this, and maybe up to a ten day wait according to what you just said. Wayne, I do not understand why this should be concealed in this way. I don't understand as soon as the pending provisional minutes are up why they can't be posted so the people can easily access them and then come to the meetings more informed and perhaps not with misunderstandings and questions.

Mayor Peterson, well, I would not agree with the statement that minutes are deliberations.

Deliberations are meetings with people, discussing things, calling individual Councilmembers and having a discussion with them prior to a vote taking place. And I will tell you, I know of nobody on Town Council who would do this, but I will sometimes ask somebody, who I feel is particularly suited, about roads, there is one person who is more involved with roads. If it is a legal issue, there is one Councilmember who is more involved with legal. With regards to the Canyon Creek project, I know I worked with Elliott on some of the abilities to do some back filling and all. But the minutes are an official record that people agree on as to this is what happened at the meeting. Nothing is trying to be hidden this way, it is just trying to share it in a non-confusing way with the public and at the last meeting what I did offer and I don't think anybody took us up on this, was if you requested an emailed copy of the minutes, I don't see a problem with it, it is an electronic transmission that would be done and if you requested that you be sent an email copy of the minutes when the Town Council receives them, in what we are now learning is not in draft form, but pending form, we can do that. But posting on the website I think needs to be discussed, because unfortunately people read it once and then they don't read it again. When there is 22 pages and the next time you look at it there is 23 or 21, they are not likely to take the time to re-read them. I think for most of the public they would rather read what actually happened and get approved as opposed to spending the time to read pending minutes and then find out they were



amended in a way that changed something in regards to something that they were really concerned about. So, I am not trying to hide anything, I am trying to provide to the public a very efficient way for them to stay being informed. I am not trying to hide anything and I do think that is important to highlight here, but it is a matter of if you know you are getting pending minutes and that is what you are willing to read and you realize they might change and you want to know where they ended up when they got approved, you have got to re-read the pages, that's great, and you are welcome to do that. But experience has been when people see something, if we post an agenda early and then post a new agenda, I know from previous positions I have had in public bodies in the State of New Jersey, then all of the sudden it's called you're changing stuff, it's a bait and switch. On the other hand if you don't post it far enough in advance you are not giving us enough time to be there. It is difficult to try to satisfy everybody's view on what would be perfect for them. But with regards to the minutes, they were available to the Councilmembers on Thursday of last week, and with regards to the agenda, it was available to the entire public that was posted on the State website and also posted at the post office and the bulletin board outside of Town Council. So that did happen on Thursday prior to this meeting, so there is no effort to try to hide things, there is no effort to try to ignore things. I guess I just have a little bit of a difference as far as if minutes are deliberations. Minutes are telling the public what was deliberated and I do want them to have an arcuate understanding of that, but I am also trying to balance the idea that I don't want to confuse, I want to make it available to those who have the interest early on, but I am not sure, we need to discuss it as a Council, but I think it needs to be at a future meeting so we can think about it before we just discuss it. I have never been a big fan when I am on the body, or whether I am in the audience, public, watching it, to see people just go about off the top of their head throwing out their ideas. I think it is better that it be thought through. Sometime in the month of May, I would look to have as a discussion item, how we want to go about it, and Gary is going to be preparing this particular document for us, I think to really better understand and how we want to go ahead with utilizing the minutes. But please understand there is no attempt to hide them from the public.

Ralph Rohr, I want to make it plain, I am not saying there is an attempt to hide anything. What I am saying is, it is important that the public has confidence that everything is open and transparent and that there is no attempt, and so by making them freely available, you would make it obvious that you are being open and transparent. The objection that you raised, that people may misunderstand, think things got changed and object, could easily be sent with email or any other form, but people are allowed to see them, whether they are request by GRAMA or any other way. So to me, you can't operate on the basis of peoples misunderstandings, you can only operate on the basis of being simple and open and obvious as to what is going on. And what you just said, I completely agree, that the deliberations are to be open to the public and the minutes are a record of the deliberations. I fail to see why my suggestions can't be implemented.

Kristi Barker, can I make a comment, as the clerk? A lot of the times I don't have the minutes done until a couple of days before the meeting. I am part-time, I have a ton of other things I do. I don't have them done. So, that is just my comment.

Mayor Peterson, ok, our Clerk works a maximum of 28 hours a week, it is less than that, is what we plan on, and we do have a Planning Commission meeting and two Town Council meetings. So, there are three meetings a month and it can generate, especially when we go into verbatim. As was mentioned by Susan Savage earlier on, most municipalities have chosen to go to verbatim minutes because it doesn't require that they be verbatim, but it does require that you accurately reflect what was stated by a member of the public. While it is a lot easier to do verbatim and there is no argument about it as opposed to try to summarize that to a sufficient level that it would be uniformly agreed. And as Susan also mentioned that same requirement is not there for verbatim,

or something near verbatim, for Council speaking, it can be summarized below a verbatim type of level.

Ralph Rohr, maybe you need to take some of the money to increase the Clerk's hours if that is really a limiting factor.

Mayor Peterson, well we could definitely discuss that, it is budget season for us to be discussing this.

#### 11. Staff Reports:

Mayor Peterson, Elliott, I believe there has been some communication between the Engineer and the relocation of the water main. Is the curb and gutter moving forward at this point?

Councilmember Sheltman, no, we were discussing it today and that is one of the reasons why I don't have a quote for you. Basically what we require is drawings of the area. We need some surveying there, some staking there to know where the line goes because we are going to have places where we are going to have valves and it can't end up where a curb is and right now it is kind of hit and miss. The engineering firm, Ensign, that is representing the Town gave us a drawing I was just looking at and LDWA's Engineer agrees that it is not real helpful, it's a pink line and a yellow green line on a black background. It is kind of hard to make anything out of it and I looked up the term that was used by the Town Engineer, EOP, which I thought about and what I think he means is edge of the pavement. So I believe what he is saying is put it as close as you can to the edge of the pavement, we can't do that. The Town of course, as a Councilmember too, I think we need to have a drawing, we need to talk to the people who live over there to make sure they know what is going on and we talked earlier about the flooding, possible flooding problems we could create because we are putting a lot of cement out there and even if we put a gutter in, we know that doesn't work real well sometimes. So I think as a Councilmember, I would ask for the same thing which is a drawing that shows everything. LDWA is prepared to start yesterday; we do have the permits from UDOT and have done the blue staking.

Councilmember Rohr, I thought Ensign was doing the drawings.

Councilmember Sheltman, no, as far as what I looked at today, no.

Mayor Peterson, I will follow up with Ensign. My understanding is there was supposed to be drawings.

Councilmember Cundick, at the last meeting, Ensign said they would provide drawings.

Mayor Peterson, will follow up.

Councilmember Sheltman, one more thing I have and I don't know if this has been brought up before when I wasn't on Council. There was a Silver Reef Museum event, Birds of Prey that was quite successful, that is the good news. The bad news is there was a lot of cars there. I drove through the area and Silver Reef Road was a single lane road. There was a large tour bus taking up half the road because there was no place to park. The reason why I am bringing this up is because I know that in the future, later on this year, we are going to be part of the Smithsonian exhibit and the number I am seeing off the website and talking to people involved in that project is you could be talking about 5000 people.

Councilmember Sheltman continued discussing it and recommended putting it on the agenda and have Town Council look at a solution for parking.

Mayor Peterson indicated Gary and Rachel are working on the Nuisance Ordinance and will be discussed in May at the Planning Commission

#### 12. Closed Meeting:

13. Adjournment:

Councilmember Cundick adjourned the meeting.

Time: 8:11pm.

APPROVED ON THIS 26 DAY OF April, 2017

Angela Roho pro tem

~~Mayor, Wayne Peterson~~

Angela Roho pro tem

ATTEST:

Kristi Barker

Kristi Barker, Clerk/Recorder