

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, April 26, 2017

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, April 26, 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 April 12, 2017.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
7. Public Hearings:
8. Action Items:
 - a. Discussion and possible action on Main Street storm water
 - b. Discussion and possible action on Planning Commission appointments
 - c. Discussion and possible action on Canyon Creek change order
 - d. Discussion and possible action on Red Cliffs Road work
9. Discussion Items:
 - a. Contract Town Planner coverage
 - b. Preliminary Budget
 - c. Main Street curb and gutter
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 20, 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.



Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting for April 26, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on April 26, 2017 at Leeds Town Hall, 218 N Main.

ROLL CALL:

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

2. Pledge of Allegiance by Commissioner Blake.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Cundick moved to approve tonight's agenda and meeting minutes of April 12, 2017. 2nd by Councilmember Blake. 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	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: RON CUNDICK	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ANGELA ROHR	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ELLIOTT SHELTMAN	<u>x</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: NATE BLAKE	<u>x</u>	<u> </u>	<u> </u>	<u> </u>

5. Citizen Comments:

JW McKain, read the attached letter into the minutes and discussed it.

Councilmember Rohr, I was on the first CERT team and after our training, we have not met once to update anything.

JW McKain, a very good problem. I have taken it twice and if you don't keep working on it, it melts away.

Town Council discussed it and the Mayor indicated when he is back in Town, he will meet with Mr. McKain to discuss it further.

Kirby Anderson indicated that Red Cliffs Road needs some more gravel put on the road and something needs to be done about the dust.

Mayor Peterson responded that this type of expenditure requires three bids at a minimum and Council's approval on which bid to accept. Daren Cottam is having a hard time getting any bids on

doing the grading and compacting for the road. He is changing his strategy and looking at separating the material from the labor. Daren should have some bids in May. Councilmember Blake stated he has some excavators in Town right now that did the Cherry Lane Road. Mayor Peterson asked Councilmember Blake to coordinate that with Daren.

Frank Greenhalgh thanked Council for the sign that was put on Red Cliffs Road. He indicated the UPS trucks create a lot of dust on the road and asked if the speed limit on a County road is supposed to be 25 MPH. He recommended it be 15 MPH.

Mayor Peterson responded he was not sure, but will check into it; however, his understanding is that in a residential zone, the speed limit is 25 MPH.

Councilmember Rohr, 25 MPH is usual for a residential road; however, with it being a dirt road, 15 MPH is possible.

Mayor Peterson will follow up with the County on the speed limit.

Frank Greenhalgh, stated when they graded the road, the County made it worse at the end of the road where it meets highway 91, also he heard there is a solution that could be sprayed on the dirt to keep the dust down.

Councilmember Blake responded it is a brine solution with salt, but it is quite expensive.

Mayor Peterson, Councilmember Rohr and Councilmember Blake discussed it and Nate will discuss it with Daren when they meet.

Ralph Rohr indicated he would like to follow up on his comments from last meeting about Council considering a Resolution, on any private meetings by any one Councilmember having an effect on the Town, be recorded and be presented in the meeting minutes so the rest of the Councilmembers and citizens know what took place.

Mitzi Butler, stated she would like to also talk about what Ralph just discussed. Mitzi recommended when any meetings are set up, that multiple members from Council be given the opportunity to attend those. Then after the meetings, what was discussed should get typed up and distributed to Councilmembers. Mitzi asked how to get this done and for a commitment from Town Council that this will be brought up and discussed, and hopefully implemented.

Town Council and Gary Kuhlmann discussed it further. Councilmember Rohr suggested that a work session be set up to discuss it and set up procedures.

6. Announcements:

- a. Mayor Peterson announced there is an Emergency Preparedness Fair, Saturday June 24th.

7. Public Hearings: None.

8. Action Items:

- a. Discussion and possible action on Main Street storm water
Mayor Peterson, at our last meeting it was requested that we get an updated proposal from ProValue Engineering. That was provided, circulated by email to Councilmembers, and should be in the packets in front of you this evening. The proposal from Karl is for \$2,000.00 to evaluate a minimum of two alternatives looking from 200 North down to Foothill and addressing issues related to adjustments to the sidewalks, or other drainage within the roads, and other things that may come up when he dose the initial evaluation.
Karl Rasmussen, I am here to answer questions.

Councilmember Sheltman, just so everyone knows, you have the cover sheet, and if you go to page 7 and 8, it basically tells you the timeline and what is going to be done.

Councilmember Rohr, as you discussed earlier, you will be using a drone to tie in GPS and slope of the road.

Karl Rasmussen, yes we will be using that as the tool to plug it into our software that we will use to evaluate the slope coming downstream, from everything upstream from here. We will use that to evaluate and put together an engineer's estimate, and then present that to you guys to say, one of the items looks viable, or both look viable, and we take that and run with it to UDOT and present those estimates along with the map, because that is a tool to get further funding to fix the problem.

Councilmember Rohr, you are planning on starting on May 10th and completing the design drawings by the 30th of June.

Karl Rasmussen, yes.

Mayor Peterson, one of the things in introducing this, before asking for a motion, I know there was some concern with members from the Council to have a more detailed proposal first of all, that this would be. The other is, I believe, is by doing this we are not trying in any way to assume liability. There is a belief by some on Council, it is not unanimous, that this is not necessarily a Town liability, but something that the Town can work to try to benefit a significant portion of the Town, with regards to this stretch of road 200 North down to Foothill, to try to better understand alternatives for managing the waters coming down the gutters, and when there is a storm, that sometimes goes over those gutters. I would ask our Attorney if it is the case, that if we do this study, it is not in any way suggesting the Town has the liability.

Gary Kuhlmann, no it doesn't in itself, taking remedial action is not admissible to show liability; although, we should make it clear if we are going to do work for these folks, we are doing it out of the goodness of our hearts and not out of a responsibility to it, because we have no responsibility to do it.

Councilmember Rohr, I assume you have a copy of the 2010 study done by Sunrise, Storm Water Report.

Karl Rasmussen, no but I can get it from you.

Councilmember Cundick, I would just like to suggest that when we finalize the agreement, that we put a statement in there to the effect on the liability and the understanding of it, so there is something in writing to show the position of the Town, that we are trying to help out, but we have no liability, as far as we are concerned. I think we are all in; we want to help out as much as we can.

Councilmember Cundick made a motion we authorize to sign this agreement and have in there a disclaimer as to liability that would be drafted by our Attorney. 2nd by Councilmember Blake.

Councilmember Rohr, do we need to list the amount of money?

Councilmember Cundick, the agreement is the agreement.

Mayor Peterson, one thing I would like to highlight before we vote, is because it is over \$1000.00, the Town policy does say that we should have three quotes at a minimum; however, it also says that the Town council may determine, basis circumstances, that it is appropriate to go forward without having the multiple bids. I have observed that Karl has done a lot of work in good faith on this, and has provided services and input in developing this proposal without any compensation, or any guarantee of any compensation. I think for the amount of work being

proposed, it seems to be a reasonable amount, but I want to make sure Council is conscious of that and in agreeing to this motion is mindful of the fact that we would be waiving the multiple bid requirement of our procedures.

Councilmember Cundick, I think that sounds reasonable. If we vote for it, I think that authorizes us going forward with just the one bid.

Gary Kuhlmann, with professional services, you also have the ability to choose who you want without going through the bidding process.

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 on Planning Commission appointments

Mayor Peterson, at the present time, there are two vacant positions on the Planning Commission. One of them is expiring June 30, 2018; the other is expiring June 30, 2020. There is also another seat on the Planning Commission for a five-year term, that on rotation will be expiring on June 30, 2017; therefore, there will be a new term going out to June 30, 2022. What I intend to do, our Ordinance says, the Mayor will at a Town Council meeting in the month of May put forward a name which will be subject to the advice and consent of the Town Council, and I will be putting forward the name of Danielle Stirling to serve that full five-year term that will expire in 2022. What I would like to do this evening, is fill the two partial terms. The first would be the term expiring on June 30, 2018, and the name that I would be looking to put forward for that is Brad Robbins. Brad in the past has been a City manager in Corona, California, which has a population of over 150,000. He has also been a Planning Director in that municipality as well. That would be for the term ending June 30, 2018. He did mention for the June, July and August meetings, he does have some conflicts, but he would be able to call in for at least one and possible two of those meetings. The other individual I would look to put forward is Tom Darton. He would be for the term expiring June 30, 2020. Tom was initially trained as an attorney, but then shifted his focus to being involved in the electric business for many years.

Mayor Peterson asked for a motion to approve the recommendation of Brad Robbins, for a Planning Commission term that would expire June 30, 2018 and Tom Darton, for a Planning Commission term that would expire June 30, 2020.

Councilmember Cundick, I so move. 2nd by Mayor Peterson. 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. Discussion and possible action on Canyon Creek change order
Mayor Peterson discussed it and indicated there is no change order at this time.

No action was taken.

- d. Discussion and possible action on Red Cliffs Road work
Mayor Peterson indicated this was discussed earlier in the meeting and will be back on the on the agenda in two weeks.

No action was taken.

9. Discussion Items:

- a. Contract Town Planner coverage

Mayor Peterson, I have been notified by Bob Nicholson that in the past, he has had to miss meetings either due to a conflict with some other entity that he does some work for, or due to the fact that he is out of town. He has spoken to an individual who works as a planner in the City of St. George. What he is offering to us, if we are agreeable to it is to have that individual, working on behalf of him, attend meetings that he is unable to attend, at the same fee structure that we currently have with Bob Nicholson. We would then utilize this other individual as part of our Contract Planner service. It would still be with the same entity, but a different individual, where in the past we have always had Bob Nicholson. I believe there is a resume provided in your packets, we don't necessarily have to make any decisions tonight.

Gary Kuhlmann, I prepared a Resolution and an amendment to Bob's contract that would take care of the situation.

Mayor Peterson, ok that will have to be done at a future meeting, because we don't have it listed as an action item here. Is this something that the Council would like to see on a future agenda?

Gary Kuhlmann, I drafted it for the May 10th meeting.

Councilmember Cundick, I would like to proceed with it with the caveat that his services are approved by Bob, in an essence that anything that he does, is approved by the record planner.

Mayor Peterson, so it would be reviewed by Bob Nicholson to make sure if he sees something that looks inconsistent that it be identified right away.

Councilmember Cundick that is the idea, it is as if Bob is doing it himself.

Mayor Peterson, Gary is that something that you could draft, that is our expectation?

Gary Kuhlmann, yes.

Mayor Peterson, we will look to move ahead with that at our May 10th meeting.

- b. Preliminary Budget.

Mayor Peterson, I believe a week ago everybody should have received about five pages of line items associated with our budget that show our current year budget, and the annual projections. What we will be looking to do from now to two week from now, is the new column, which is the 2017-2018 budgets for each of these areas; these are line items we will be looking to budget. One thing that I just received an email in the last two days is, the State of Utah would require us to opt-out of a Wildland Fire agreement if we chose to do so. That would make us responsible for the ongoing fighting of any wildland fires that occurs in the boundaries of Leeds. If we do not opt-out, we will be expected to contribute \$3,801.00 to a wildland fire fund that is set up. What that allows is the initial attack, as it is referred to, is going to be handled by the appropriate local fire department, in our case the Hurricane Valley Fire, but then if there is a

need to call in other resources, not limited to, but potentially air fighting fire resources, it would be covered by this fund and we would not have any further obligation to do it. Those are the types of items that could come up, we should discuss that further before we make the budget. Angela, as you recall when you were Mayor, we received a bill for, I think for about four or five years prior to that point in time, from the State, along the lines of \$75,000.00 for a fire that began from a vehicle driving through Leeds on I-15. Do you remember that?

Councilmember Rohr, I remember something to that effect. I don't remember the exact amount but yes, I think we declined to pay it.

Mayor Peterson, we did and we were successful with that, but the State has realized there is a problem with expecting individual communities to bear that risk and has come up with this approach, which has these funds in place that we would be asked to contribute an amount to, in effect kind of an insurance premium.

Mayor Peterson continued to discuss the budget and asked Councilmembers to look over the budget for next meeting.

c Main Street curb and gutter

Curtis Nielson for Ensign Engineering indicated they have a preliminary design completed and sent CAD files to Karl along with the survey information weeks ago. Curtis has been in contact with UDOT for the drive approaches and what they will allow and is following up on additional grant money.

10. Citizen Comments: None.

11. Staff Reports:

Councilmember Rohr, Nate, when your road was done, how long ago was it and how did it hold up?

Councilmember Blake, a couple years ago and it held up really good.

Councilmember Rohr, is that something that we might be able to do on Red Cliffs?

Councilmember Blake if that same material is available, it is almost like a chip seal material. It is like a roto mill off the highway so it crates almost no dust.

Councilmember Rohr and Blake discussed it further and Nate will see if the material is still available.

Councilmember Rohr, the parking on Silver Reef Drive from Silver Reef Road up to the Museum is still a concern of what we do with the access vehicles. In addition to the Museum, I noticed on the east side of our road near the park last week there were about 4 or 5 ATV type cars, trucks, trailers and they were parked there for hours. I have concerns on how that kind of traffic is going to hold up.

Mayor Peterson, indicated it will be a discussion item in May.

12. Closed Meeting:

13. Adjournment:

Councilmember adjourned the meeting.

Time: 8:08pm.

APPROVED ON THIS 10 DAY OF May, 2017

Wayne Peterson

Mayor, Wayne Peterson

ATTEST:

Kristi Barker

Kristi Barker, Clerk/Recorder