

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, February 12, 2020

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, February 12, 2020 at 7:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

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 January 22, 2020
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements
7. Public Hearing:
 - a. Community Investment Board Approval for Grant Application
8. Action Items:
 - a. Discussion and possible action on Community Investment Board Approval for Application
 - b. Discussion and possible action on Home Occupation Business License, Tiffany's Gifts and More, Tiffany Jones
9. Discussion Items:
 - a. Follow-up on Site Plan Review Application, Lynn Potter, 27 Majestic Rd.
 - b. 2nd Quarter Budget
 - c. Silver Reef Road Park
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 February 6, 2020 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.**



Peggy Rosebush, Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, February 12, 2020

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, February 12, 2020, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: LAURIE HUNSAKER	x	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____

Craig Hall, Town Attorney, joined the meeting via telephone.

2. Pledge of Allegiance by Councilmember Hunsaker

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Roberts moved to approve tonight's agenda and meeting minutes of January 22, 2020. 2nd by Councilmember Wilson. 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: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LAURIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments:

Susan Savage said we discussed home building and cutting back the land. I cannot think of the terminology for building roads and things. I think that we cannot underestimate the effect of storms in our area. I think people who are familiar with our area do not realize that the contours of the land have been created by those storms. During my lifetime, there have been several times when Quail Creek has been completely cleaned out. The cottonwoods were completely scoured out of it. And once when there was a huge reservoir built with a plug of cottonwood trees up there another storm came and washed it out. A marina in Harrisburg was washed out twice and a man lost his life. And the Grapevine Wash, when they were building the freeway, there was a storm that made a huge reservoir out there and the construction company was considering dynamiting the 12x12 tunnel under the freeway to keep it from

washing out. We are right at the nexus of this convergence of geological provinces where we have odd plant life and changes in weather. You can drive right into a storm and you never know where it is going to hit. So, all of these little gullies have carried a lot of water. As people build and grade and cut back to create roads ... I am just thinking about what effect it may have on their property and homes below them. Just do not underestimate.

Lynn Potter said I just want to mention a small typo under Discussion Items. The address for our Site Plan Review is 24 East Majestic Mountain Road. I just wanted this on record.

Mayor Peterson said 27 should be known as 24 East Majestic Mountain Road.

6. Announcements:

Mayor Peterson said there will be Dumpster Days, as mentioned at the last meeting, February 14th thru 16th. They will be located on Cherry Lane. It will be the first of 4 such dumpster day weekends during 2020.

7. Public Hearings:

Mayor Peterson said we do have a Public Hearing this evening. The Public Hearing is on the Community Investment Board Approval for Grant Application. The requirement of the Community Investment Board is for an application to be subject to a Public Hearing. They also emphasize, although we as a town, are applying for a couple of things. It is a \$632,000 project to try to address storm water along Main Street. We are looking for a State grant from UDOT in the amount of \$500,000. They told us at a previous meeting that they would look to be supportive of dealing with their share of the water on Main Street. Engineering studies were done to determine what percentage of the water coming down Main Street was a result of State Road 228, Main Street, and what was coming off of side roads that would be Leeds' responsibility. As a result, it was about 20% of it is Leeds and about 80% of it is State. What we are looking to do is to apply to CIB. They would like to see some local money involved. The remaining \$132,000, and that is estimated, would be needed for this project. We are proposing that Leeds will put up \$12,000 and CIB would be requested to provide a grant for \$120,000. And that would cover the full \$632,000 cost estimate for this project. CIB also asks that we highlight in the grant review process, they will frequently ask about the possibility of a portion of it being in the form of a loan. If people have comments or questions about that they may ask, but before anything is finalized, they would be brought back before Town Council before any kind of loan would be agreed to if that is part of the final determination from the other parties involved. May I have a motion to open the Public Hearing on the Community Investment Board Approval for Grant Application?

Councilmember Stirling moved to open the Public Hearing. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LAURIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

Mayor Peterson said the Public Hearing is open. Would anyone like to comment on this application to CIB for a \$120,000 grant?

Mayor Peterson said seeing none, may I have a motion to close the Public Hearing on the Community Investment Board application?

Councilmember Roberts moved to close the Public Hearing of the Community Investment Board Application. 2nd by Councilmember Hunsaker. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LAURIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

8. Action Items:

a. Discussion and possible action on the Community Investment Board Approval for the application to be submitted. This was submitted before the February 1st deadline, but they do allow for the Public Hearing to follow. Following the Public Hearing, is there a motion related to the Community Investment Board application? Such as approval or to not submit it.

Councilmember Stirling said I have a question. When is this supposedly going to start and what is the timeline on when it will be completed?

Mayor Peterson said the process is over the next 3 months. CIB will be holding reviews so it will probably be at a meeting in June that they would get around to the actual finalization of it with a decision with the respect to this project. After that, from an engineering standpoint, it is viewed as ready to go and be put out to bid at that point. So, it would be sometime in the second half of this year if approval was gotten from both CIB and UDOT. We do need both of those approvals.

Councilmember Roberts said so clarification without either one of those approvals, this will not move forward. Correct?

Mayor Peterson said we are not committing to anything more tonight than we are willing to put up \$12,000 towards the \$632,000 project.

Councilmember Stirling moved to go ahead and approve the Community Investment Board application. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LAURIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

b. Discussion and possible action on Home Occupation Business License, Tiffany’s Floral & More, Tiffany Jones

Mayor Peterson said we did, in the last year, amend our commercial permitted uses and conditional uses to have a clause in them that says if there was another use that was deemed to be in harmony with the listed ones that we have, which is a little over a dozen, with regard to those types of uses in each category, that it could be recommended by Planning Commission and approved by Town Council. We do not have that in our Home Business Occupation. We could open it up and update that list and have a Public Hearing. After we do that, go forward and approve an application that happens to fit it. We do allow home crafts in our Home Business Occupation. This particular proposal is for floral and more and we do have recommendation from the Planning Commission to consider this as crafts. But at this point, if we could ask the applicant to come forward and describe a little bit about what is the floral and what is the more.

Tiffany Jones said some florals come in the form of silks (she showed one of her silk bouquets to Council) and some would be fresh flowers. More would be a candy bar vase and other home crafted gifts. I would have people phone in their order, and I would deliver to the customer.

Mayor Peterson asked Council if they have any comments or questions.

Mayor Peterson said is there a motion regarding the categorization of Tiffany’s Floral & More as crafts? Or is there a motion to move this forward as an amendment to our Land Use Ordinance or not permitting it at all? These are the 3 options that I see.

Councilmember Stirling moved to approve the Home Occupation Business License as crafts because 99% of the time when you go and get silk flowers, you have to go to a craft store. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____	_____	_____
COUNCILMEMBER: LAURIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

9. Discussion Items:

a. Follow-Up on Site Plan Review, Lynn Potter, 24 East Majestic Mountain Road

Mayor Peterson said it is also Dianna Powell. You are both listed as the owners.

Mayor Peterson said one of the things we were looking towards was our attorney doing some review about the suggestion by the applicant that the Hillside Ordinance did not apply. At this time, I would request that our attorney provide an update on the status of that opinion.

Craig Hall said I have researched the facts and sent various emails to Mr. Potter asking him for help regarding factual issues. I believe there were 7 different questions that I requested he answer. I applaud his efforts. His response was prompt and thorough and I appreciated that. Since that time, I did some additional factual research on my own and with the assistance of the Town Recorder submitting some documents together with other documents that the Town has provided me. I have assembled those, and I have done legal research. I have started drafting the opinion. Mayor, as you know, I am presently out of the State. The draft was sent to my legal assistant this afternoon for formatting so I can proof it in a couple of days. I will soon have the formal opinion to the Town. I anticipate not before the end of the week, either on Monday or Tuesday.

Mayor Peterson said there was a second issue that had been raised which was having our Town engineering firm, Sunrise, summarize and take a look at the proposal. They did respond with a letter indicating that they had generally thought it was acceptable in terms of the building pads that were being proposed, but they had some questions with respect to the access driveway and said that they would require some cross sections to be provided for them to do a complete analysis. A copy of that letter is in your packet and it was forwarded to the applicant. The applicant mentioned that they do not want to continue to spend a lot of money until they have answers to other questions. We also did not want to have any kind of multiple tablings of the motion so that is why we have it as a discussion item. I would presume basis your previous requests that you would like to continue to get the legal opinion first before you move forward with the cross sections. Is that something that would be able to be provided? I am just trying to set a timetable here. And if there is any additional information you want to bring up this evening.

Lynn Potter said yes that is correct. If Mr. Hall finds that the Hillside Ordinance applies, then we would need to meet Sunrise's requests on the slicing of the slopes. And we want to continue to proceed until we find out how things are. And the other was the site plan requirement.

Mayor Peterson said just to make sure we do not have a misunderstanding, I will continue to put this on the agenda as a discussion item until such time you indicate that we have reached a point where you would like to have it as an action item just so we can make sure we follow the process and do it as promptly as possible.

Lynn Potter said if Craig will share his decision on Monday or Tuesday with me, okay.

Mayor Peterson said once that opinion is out, it will be available to go to the applicant, I presume. Craig, am I correct?

Craig Hall said it is addressed to you and the Town Council. You, as the client, have the right to disseminate it as you see fit.

Mayor Peterson said are there any further questions?

b. 2nd Quarter Budget

Mayor Peterson said in your packet is a 5-page summary on where we stand as of 6 months into the year. As was mentioned, we will be doing this the second month following each quarter-end. Our fiscal year begins July 1st and ends June 30th. This one is for the first 2 quarters of the year, July 1, 2019 thru December 31, 2019. It compares it to the same time period the year before and compares it to the budget.

Mayor Peterson highlighted a few of the line items and he gave a brief explanation for each.

Councilmember Roberts said on the accounting line item, we see a little higher percentage. Did we have an increase in the cost for that? What pushed us up to that 70%?

Mayor Peterson said the 70% on accounting is the addition of the new bookkeeper. And we used an outside service to come in and go over a variety of journal entries and the like with the new bookkeeper so she could go forward and do things in the proper manner. That was a one-time charge and not something monthly.

Councilmember Stirling said who is doing this?

Mayor Peterson said Aseneth Steed is the one doing it. We hired her to do our bookkeeping. She is part of our administrative wages.

Councilmember Stirling said why is the administrative wages with Other and not up in Administrative Wages?

Mayor Peterson said there had been different categories that have been set-up with respect to our books here. It is a little bit of duplicative one, but with regard to some reporting we need to do with the State is why it is being highlighted as that particular line item. There are 2 of them. You can see last year some was booked to the other and this year none is being booked there nor is any of the budget up there. It is all down in the second entry. Once we have nothing in it, we look to eliminate it.

Councilmember Stirling said do we have an outside payroll processing?

Mayor Peterson said yes, we do use an outside payroll processing company. And I heartily support that because with the reporting requirements that are involved, they take care of submitting all of those types of payments plus they do the direct deposit into our employees accounts. It is something you can do in house cheaper, but all you need is one slip up and you will regret the fact that you did not get things done on a timely basis.

Councilmember Stirling said do you know why we had employment insurance this year and not last year?

Mayor Peterson said I think it was just the timing of when the payment was made there. I do not think it is something that is a major difference. I expect will be very close for the full year.

Councilmember Stirling said what is the RAP Tax used for. Where does that money go?

Mayor Peterson said we had a discussion at the previous meeting about applying for some grants related to trails, pickle ball courts and the like. The envision is to use our RAP Tax revenue to provide the 50% match that they all require. We have been accumulating it for a couple of years at about a \$500 per month rate and we look to use that to try to match with a grant to get \$1.00 for every \$0.50 that we have collected in that tax. But it has to be done for recreational.

Mayor Peterson said the public should be aware that there is something called the Transparency Website in the State of Utah. Every single revenue and expenditure gets uploaded on that site on a quarterly basis. You can look and see all of the detail for our Town or any other municipality in the State. It is for the public.

c. Silver Reef Road Park

Mayor Peterson said I have included a couple of maps with respect to the park. I did not highlight them. The second one is the easier one to see and it shows that the park area that we actually have there is 0.76 acres. There had been a proposed additional park of 1.13 acres. It is a bit of a rounded triangle at the top and then towards the bottom you actually see the proposed addition that might take place. That proposed addition got swapped in a SITLA land transaction and it became part of the ownership that is just common open space, cannot be developed, by the Silver Reef Highlands Development. They have previously expressed that they are not interested in making that a general public park for the entire Town. I asked Antonio, he said 1, perhaps 2, if the people were very adept at backing their trailers around could fit where we have land. I do like the idea of trying to figure out if there is a place where we could do it. I do not think we would be able to justify setting up any kind of charge system that would be able to have enough volume of business to make it something that would work. Nor, would it address a significant number of vehicles that are being parked there that have trailers for off road vehicles. If you look at the other map just to complete the discussion, the park that you see is a tiny little triangle. There again, there is a proposed public park area, 1.13 acres, and you can see the existing park that is 0.76 acres. Is there anything further for discussion here this evening? If people think of areas that could work, I would certainly be open to it because I do think it is a good idea. I do not know where we have the space for it.

10. Citizen Comments:

LoAnne Barnes said I am on the Historic Preservation Committee in the Town of Leeds. I have some questions and comments about this little park because it has quite a history that I am not sure you are aware of. When Highlands first went in there, they deeded to the Town that land with the understanding that SITLA would trade out with the Town and enlarge this to be a park. They also gave the Town \$9,000. The people were surveyed up there and they decided they would like some water to come down from that area. If I understand it correctly, there is some water right, maybe not water right, but access to water when it comes down to that park. We put in a fountain there that is still there. It was part of the water supply.

Councilmember Roberts said there is still a water connection there.

LoAnne Barnes said I just wonder what is going to happen to that piece of land. It is a very unique piece of land because it borders Silver Reef Road and has a tremendous view of the whole skyline to the south. And for the Town to lose that, I think would be a terrible thing to happen.

Mayor Peterson said we still have the 0.76 acres, the additional portion that did not materialize with what you mentioned as the land swap from SITLA.

Councilmember Roberts said so the Town owns that 0.76 acres. The rest of it is open space that is governed by Silver Reef Highlands.

LoAnne Barnes said so SITLA does not own it anymore?

Mayor Peterson said correct. And I confirmed that with SITLA.

LoAnne Barnes said what are the options for that little piece of land? You need to seriously think about it not being a parking area. It has such a gorgeous view. It could be a walking area or a trail on up to the museum. I would like some serious thought about what we could do and have it not go away.

Mayor Peterson said we could certainly approach the other party if we were to have a trail that was going to extend through, and if it was needed to connect, to see if they would be amendable to that. But at the present time, we do not have control of various sections along the road there. If there was a possibility in the future, we would need to line-up an awful lot of different owners in order to make it that we have a connected trail system.

LoAnne Barnes said how wide of a road does the Town own? How much do we own of Silver Reef Road?

Mayor Peterson said that is another variable question. Private owners own all the way across it in places. Private owners meet in the middle in others. The Town has a dedicated right-of-way in some. The BLM owns a portion of it. And we have an easement from the BLM for it. That road's ownership is very varied as you work your way along it.

Councilmember Roberts said when you talk about ownership, it is different than what the designated right-of-way is. That will always be maintained as a road right-of-way even though other individuals may have ownership.

LoAnne Barnes said what is the ownership of the piece of land south of the Silver Reef Road that goes up to the museum as you are looking down towards Leeds.

Councilmember Stirling said there are quite a few different owners.

LoAnne Barnes said I am not talking about Highlands. I am talking about when you go around the corner up towards the museum. Is it owned by Crosby? Does he still own it?

Mayor Peterson said I cannot speak for what a private landowner intends to do, but I know from previous discussions we have had in the past 2 years that he is still the owner of a portion of that land.

LoAnne Barnes said I would not like for the Town to lose that piece of land to a parking area.

Wyatt Jones said I am working on becoming an Eagle Scout and all I need is my Eagle project. I am interested in helping paint the interior of Town Hall.

Mayor Peterson said I commend you for your interest and hope that something can be worked out.

11. Staff Reports: None

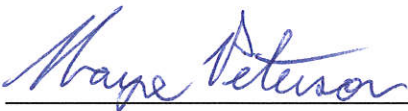
Mayor Peterson said there was a Transportation Expo. It was not as well attended as some of the previous ones. Operating in the Dixie Center area is a prototype of the autonomous vehicle. It is a shuttle that moves at 12 mph and it does a loop around the area. It is a very interesting project and they view that in Southern Utah as one of the places it could be used in connecting some of the hotels and convention center.

12. Closed Meeting: None

13. Adjournment:

Meeting was adjourned at 7:42 PM.

APPROVED ON THIS 26th DAY OF February, 2020



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder