

Town of Leeds

Amended Agenda Town of Leeds Town Council Wednesday, January 13, 2021

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, January 13, 2021 at 7:00 PM. This will be an electronic meeting.

Wayne Peterson is inviting you to a scheduled Zoom meeting.

Topic: Leeds Town Council

Time: Jan 13, 2021 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89936903263?pwd=MU9GaW4yTEdkRlUrS25jUjlDb3pnUT09>

Meeting ID: 899 3690 3263

Passcode: 959284

One tap mobile

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+12532158782,,89936903263#,,,,*959284# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

Meeting ID: 899 3690 3263

Passcode: 959284

Find your local number: <https://us02web.zoom.us/u/kerXAb9JxB>

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 December 9, 2021
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Dog & Cat Vaccination Clinic, Saturday, January 30th, 1-2 PM
7. Public Hearing: None

8. Action Items:
 - a. Discussion and Possible Action Regarding CARES Act Funding
 - b. Discussion and Possible Action Regarding Final Plat Subdivision Application, Grapevine Split Subdivision, 770 N Main, Ian Crowe
 - c. Discussion and Possible Action Regarding Approval of Washington County Estimate for 2021 Election
9. Discussion Items:
 - a. Discussion regarding Coordination with the Leeds Domestic Water Users Association, Elliott Sheltman, LDWA
 - b. Discussion regarding Habitat Conservation Plan
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports
12. Training Session: Open and Public Meetings Act Training
13. Closed Meeting: A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.
14. Roll Call Vote to close electronic meeting

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 January 7, 2021 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

Electronic Town Council Meeting for Wednesday, January 13, 2021

Regular Meeting 7 PM

1, Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, January 13, 2021. This was an electronic meeting.

2. Pledge of Allegiance: Mayor Peterson

3. Declaration of Abstentions or Conflicts:

Councilmember Stirling said I own land in the area where we will be discussing the Interlocal Agreement Supporting the Renewed Mojave Desert Tortoise Incidental Take Permit Issued to Washington County.

Mayor Peterson said I have an undeveloped parcel in the Town of Leeds that would be subject to the HCP that we will be discussing later.

4. Approval of Consent Agenda

Councilmember Stirling moved to approve tonight's agenda and meeting minutes of December 9, 2020. 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: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments: None

6. Announcements:

Mayor Peterson said there will be a dog vaccination clinic where dogs and cats can receive vaccinations on Saturday, January 30th, 1 PM to 2 PM. There is a charge for the different vaccines. Dr. Bice from Hurricane will be there. The actual deadline for registering dogs will be February 1st.

7. Public Hearing: None

8. Action items:

a. Discussion and Possible Action Regarding CARES Act Funding

Mayor Peterson said the State has extended the deadline for municipalities to spend the CARES Act Funding through June 30, 2021. The federal government actually extended that spending period until December 31, 2021. I received notice today that the monies we originally did not use have been or will soon be returned to us, so we will have an additional approximately \$38,000 available to us that could be spent between now and June 30th. With regard to the grants that we had applications for back in December, we received 4 requests and had 4 submissions. Councilmember Hunsaker and I met and reviewed them. We asked for some follow-up information from the applicants. At this point, we have received follow-up information. In particular, we asked for tax return confirmation of the numbers submitted from their previous year situation financially. We also asked for any confirmation of tax payments that were made just to demonstrate that tax returns submitted had been filed on behalf of that particular company. At this point, we have received the additional information that we requested from 3 of the entities. The fourth one did not do so. At this point, the recommendation from Councilmember Hunsaker and I would be to approve the applications from RCH Designs, Mountain West Fire Systems and Casa Tequilana.

Councilmember Hunsaker said we received the follow-up information from those 3 and it matched up. I think those 3 should definitely receive it.

Mayor Peterson said just to let everyone know, to contact these entities, we used the email address on the application, the land line phone number and the cell phone number that were provided.

Councilmember Hunsaker made a motion to approve the CARES Act Funding for the 3 businesses aforementioned. 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: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

b. Discussion and Possible Action Regarding Final Plat Subdivision Application, Grapevine Split Subdivision, 770 N Main, Ian Crowe

Scott Messel said the final plat subdivision before you tonight is a minor subdivision. Town code allows for 5 lots or fewer. This property is located on N Main Street, north of Majestic Mountain Road and just south of 900 North. There is a parcel that is commercial. The applicant is requesting to divide Parcel L-3-E into 2 parcels. Parcel A would be 2 acres and Parcel B would be 5 acres. The applicant is anticipating there will be commercial development in the future and at that point it would go through the site plan process and improvements would be put in at the time of commercial development. The Planning Commission reviewed this, and they recommend approval.

Councilmember Stirling said do you know the area regulations, the set back regulations, are for commercial? What is the width of those 2 parcels?

Scott Messel said Parcel A is 240 Ft. wide and Parcel B is 247 Ft. wide.

Councilmember Hunsaker said Scott, these are the same parcels that had a different address on the original paperwork?

Scott Messel said that is correct. On the original application it was called the Main Street Minor Lot Split. There are other Main Street subdivisions in Washington County. The County Recorder will not record a subdivision with a similar or same name so the applicant has changed the name to Grapevine Split Subdivision. You may have seen either name on previous documents.

Mayor Peterson said Scott, I believe recording this would include a notation stating the wastewater situation.

Scott Messel said yes. We have the requirement that the wastewater system needs to be hooked up to sewer.

Councilmember Stirling made a motion to approve the Final Plat Subdivision for Grapevine Split subdivision. 2nd by Councilmember Wilson. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: LORRIE HUNSAKER	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: STEPHEN WILSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

c. Discussion and possible Action Regarding Approval of Washington County Estimate for 2021 Election

Mayor Peterson said this is something that we have utilized. The most recent was a couple of years ago and the cost for that was \$850. They have provided an estimate for the maximum that could be needed. There are some costs only if needed. In the past, we have not needed any. This covers the ballots being prepared, printing the ballots, postage and mailing the ballots, having absentee ballots and their services for counting and canvassing. The total they come to is \$2,000.46. This would need to be put into our next year's budget. I would highlight that about \$450 of that will not likely be needed.

Councilmember Wilson made a motion to approve the Washington County Estimate for the 2021 election. 2nd by Councilmember Hunsaker. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: ALAN ROBERTS	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: DANIELLE STIRLING	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: LORRIE HUNSAKER	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMEMBER: STEPHEN WILSON	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

9. Discussion Items:

a. Discussion Regarding Coordination with the Leeds Domestic Water Users Association, Elliott Sheltman

Mayor Peterson said this had been requested back in October and in December it was requested that it be postponed until the new year. I received a phone call from Elliott Sheltman and he indicated that the issue that was pending in October has been resolved and it would not need to be discussed this evening. This morning I received a phone call from a member of the LDWA Board informing me that Elliott Sheltman had resigned. They hope, at a future time, to come back and discuss the concept of coordination with the Town and LDWA. I was asked to announce that there will be an LDWA Association meeting on February 1st. The location and exact time are still being finalized, and once it is finalized, they will publicize it within the community.

b. Discussion Regarding Habitat Conservation Plan

Mayor Peterson said we have with us the County Attorney, Eric Clarke.

Eric Clarke said the purpose of this agreement is to provide for compliance with the 2020 Washington County Habitat Conservation Plan. The municipality would participate in the funding mechanism required in the 1995 Plan or as amended under the 2020 Plan. With each building permit of a new residential, commercial or industrial structure, there is a fee of 0.2% or .002 of the estimated construction cost of the work. These fees would be paid to Washington County on a quarterly basis. It would require developers whose property borders the Red Cliffs Desert Reserve to build and take reasonable steps to maintain appropriate fences and wall as approved by the Washington County Habitat Conservation Plan Department. It would require developers whose property is located in occupied tortoise habitat to coordinate with the Washington County Habitat Conservation Plan Department for tortoise surveys and clearances prior to ground disturbing activities.

Councilmember Hunsaker said how does the 1995 Plan that we were not a part of compare to one that we just received. There was a fee of \$250 per acre, but I do not see it on this one. I see the 0.2%, but did the \$250 go away?

Eric Clarke said it went away. And I am hoping that the 0.2% gets reduced.

Councilmember Roberts said Eric, in the 1995 Plan, it does not show the area of Leeds as an area that potentially has tortoises. Is that still an active map?

Eric Clarke said the map that I have seen had portions of Leeds being in it and portions not in it. The new modeling that was done shows all of Leeds as potential habitat. That was done by an outside contracting firm.

Councilmember Stirling read Item E. Does this include after the developer has put in the infrastructure, does the individual have to coordinate before they have ground disturbing activities?

Eric Clarke said with smaller lots, everything gets disturbed. Before they do that, the County will come in and do the clearings and sign-off on it. Once that clearance is done, you are good.

Councilmember Stirling said so anybody who actually has a plat at this point, they do or they do not have to have their land cleared? And does the developer or individual pay the fee?

Eric Clarke said when the developer goes in with a big master plan, the developer will pay it then and then he can pass it on to the person who buys the lot.

Councilmember Hunsaker said if it is not a developer, if it is an individual property, then would it be on us to inform them that they need to get clearance?

Eric Clarke said over the next 5 years, our biologists are going to go out and do quick surveys. If they do not find any signs of tortoises, they will put an X on all of those big pieces of land. Those property owners will never need to come in. They would still pay the impact fee, but they would not need to contact anybody. If the property is adjacent to the reserve, or if the property has been flagged as potential, those property owners will need to contact us.

Mayor Peterson said the question that I have is, you mentioned that individual property owners could be involved in the agreement, would that be taken care of here in 2021 or is there an ongoing process that would exist if Leeds did not participate as a town.

Eric Clarke said we wrote that in so at any time a property owner could enter into the contract and pay their fee directly to the County. We wanted to make sure we had protection for those property owners.

Councilmember Wilson said can you briefly summarize the benefits of joining?

Erik Clarke said there are definitely pros and cons. The reason we do this is because private property rights take a back seat to major species. The benefit is that everyone gets blanket protection. If the Town does not want to join, the individual property owners can still come to the County to get protection. The con is that the average person has no idea how all of this works. The pro is you offer blanket protection. The con is charging an impact fee when people may not need the protection. Individual property owners can join anyway and get the protection if they need it. If the Town is not involved and telling people to go check in with the County, someone could go out and start doing development without knowing and then suddenly their development is hung up. No one will get charged with a crime if they find tortoises and call. I am not trying to be forceful in pushing you one way or another.

Mayor Peterson said if Council has no objection, are you alright to opening this up for questions from the public? Okay, on this topic only, are there any questions from the public?

Scott LaBaw said we are a new lot owner in Silver Reef Highlands, and I hope to begin construction within the next 2 months. Mr. Clarke, you mentioned that the 0.2% might come down. In such a short time window, should we expect to pay the 0.2%? And if it were to change, would there be an adjustment? Or is it realistic to just plan on this number?

Eric Clarke said I would plan on this number. I do not think we will see a reduction for a couple of years.

Mayor Peterson said if we have not yet finalized this process, would this particular property owner be able to go ahead and participate?

Eric Clarke said an individual property owner can come in and start working with the County.

Councilmember Stirling said he is already in a developed area. Would he still be responsible for doing this? The developer has already put everything in. He should not have to pay, correct?

Eric Clarke said that is a fair point.

Mayor Peterson said if someone has an existing parcel in an existing development, they would not be subject to a problem if tortoises were discovered on that parcel?

Eric Clarke said anytime a tortoise is discovered on undisturbed land that is when you have the biggest problems. Anytime you are disturbing undisturbed land that is the second biggest problem. If you find a tortoise on developed land that is not a problem.

Mayor Peterson said do we want to put this on a future agenda as an action item?

Councilmember Roberts said I think someone needs to do a little more convincing to get me to buy off on this.

Councilmember Stirling said I think this is insurance for developers.

Eric Clarke said yes, I think that is a good way to say it.

Councilmember Wilson said I am not 100% sure one way or another yet.

Mayor Peterson said we may need to give people a little more time to think it over. I suggest that I will not automatically put it on an agenda. We can at future meetings ask whether or not we think we have reached a point to make a decision and possibly look to move it forward over the next few meetings. I realize we will not want to put this on hold for a long period of time.

Councilmember Hunsaker said is there a time limit?

Eric Clarke said no.

12. Training Session

For training, the video was the YouTube video from January 19, 2018 entitled "Powers and Duties, OPMA and more with David Church" from the 40-minute mark to the end at one hour, twenty-six minutes.

13. Closed Meeting

Mayor Peterson said we do have a need for a closed session this evening. I ask for a motion to go into a closed meeting to discuss pending litigation.

Councilmember Hunsaker made a motion to go into a closed meeting. 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: LORRIE HUNSAKER	x			
COUNCILMEMBER: STEPHEN WILSON	x			

Town Council returned to the public meeting at 9:39 PM.

14. Roll Call Vote to close electronic meeting

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: ALAN ROBERTS	x	
COUNCILMEMBER: DANIELLE STIRLING	x	
COUNCILMEMBER: LORRIE HUNSAKER	x	
COUNCILMEMBER: STEPHEN WILSON	x	

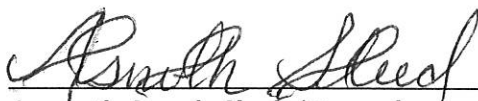
Meeting was adjourned at 9:39 PM.

Approved this 10th day of February, 2021



Wayne Peterson, Mayor

ATTEST:



Aseneth Steed, Clerk/Recorder