

Town of Leeds

Amended Agenda Town of Leeds Town Council Wednesday, June 9, 2021

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, June 9, 2021 at 7:00 PM at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email Clerk@LeedsTown.org for the Zoom details.

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 May 26, 2021
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Leeds 2021 Municipal Election Submissions of Declaration of Candidacy for Mayor and Town Council
7. Public Hearing: None
8. Action Items:
 - a. Designating Restricted Area for Fireworks
 - b. Discussion and Possible Action Regarding Lot Line Adjustment between Parcel L-HFM-1A and Parcel L-10-B
 - c. Action on Approval of Final Budgets for 2021-2022, Resolution 2021-04
 - d. Discussion and Possible Action on Habitat Conservation Plan, Resolution 2021-05
 - e. Discussion and Possible Action on Application of Hillside Ordinance to Parcel L-3-1-7-1110
9. Discussion Items:
 - a. Peach Days Seed Display Participation
 - b. Main Street Storm Water Project Status with Pro Value Engineering
 - c. Language to be Added to Building Permits Regarding Fugitive Dust & Construction Noise
 - d. Fourth of July Festivities
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 June 8, 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.leedstown.org.**

Aseneth Steed
Aseneth Steed, Town Clerk/Recorder

Town of Leeds

Town Council Meeting for Wednesday, June 9, 2021

1. Call to Order: 7:01pm

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, June 9, 2021.

ROLL CALL:

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

2. Pledge of Allegiance: Councilmember Hunsaker

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Wilson moved to approve tonight's agenda and meeting minutes of May 26, 2021 . 2nd by Councilmember Hunsaker. 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: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments:

Mayor Peterson: That brings us to the first of two citizen comment periods for the evening. We ask that anyone wishing to address Council do so at this time, beginning with their name, and also be mindful that we have a three-minute limit for initial comments. We will circle back to those who have more to say once everyone else has had a chance to speak. Is there anybody here in Town Hall this evening wishing to address Council or online? We have a zoom participant as well.

Yes, Susan? Yes, please come to the podium.

Susan Savage: Over the years, as developers or designers come, we can refine information with the Town Council, but are questions are asked of them, "do you or will you have access? What about secondary access? What about the survey lines? Also, have you found the right zone or something? What I'd like to ask is that those people be asked to bring their documentation. If they have access to cross someone's property, they be asked to bring that documentation. On our property, over the years, we have had multiple people who will turn to us and say, may we walk across your property to see something that we just bought? And we will say, do you have an access? And then say, no, the developers told us that there would be a highway coming across your place. I mentioned in an earlier meeting about mining claims that were already stopped. And so, in those cases, it's left a lot of us landowners to have to sometimes get legal help and do a lot of scrambling around to prove what was going on. And I just feel like the person who was saying that they have these advantages should bring proof.

Mayor Peterson: Thank you. I believe we certainly try, but we will make sure to continue to not overlook that with any further applications as they come in. Is there anyone else wishing to address Council during this first time period? Checking online. Okay, not seeing any, we will move on.

6. Announcements:

- a. Leeds 2021 Municipal Election Submissions of Declaration of Candidacy for Mayor and Town Council

Mayor Peterson: The Leeds 2021 municipal election submissions for Declaration of Candidacy was from June one through seven. For Mayor for a four-year term, three people submitted: Alan Roberts, Bill Hoster, and Ken Hadley. For Town Council, two positions are available for a four-year term, three people submitted: Danielle Sterling, Cody Johnson, and Ron Cundick.

I would also mention that the extreme drought continues. My last check of the weather forecast on my phone said we had six days with 0% chance of rain, and I think Tuesday we have that 1% chance. So, it is still very, very dry out there and all of the water companies are encouraging conservation and everyone is encouraging caution with respect to the wildfire dangers as well.

7. Public Hearing: None

8. Action Items:

- a. Designating Restricted Area for Fireworks.

Mayor Peterson: Following up on that mention of the drought, designating a restricted area for fireworks. We talked about this as a discussion item at the last meeting. We haven't seen a drop of rain since then. There was a Mayors' Meeting on Tuesday of this week online. At the meeting, some other communities mentioned that they had hoped that the State would actually relax the requirement that there be an area designated for fireworks and that it was improper for any municipality to prohibit fireworks by private individuals in any year. That has not come from the State, so it still requires us to designate a restricted area. There are portions of town; because we are a wildland interface in some areas, where we would be able to say that they're not permitted for that group of people. But we do need to provide a designated area for those who would live in the non-

wildland interface area. In the past, we've utilized the basketball court in the Town Park. And I think that's proved to be a safe area for private fireworks to be set off. I would also suggest that the State has been known to change its mind over time, and that one possibility is we could designate an area, but if it was our preference, that if the state reached the point of saying that it was permissible to just prohibit them this year, I think it's an alternative worthy of consideration. And I would just use that to finish the introduction and ask for Council's opinions before we go for a motion on where we would designate for the Town. So any thoughts from Council with regard to an area for discharge of private fireworks?

Councilmember Hunsaker: I think the basketball courts worked out in the past; just not everybody comes down there to do that. But if we have the designated area, I think that at least gives us the ability to enforce it somewhat better. And if the State goes ahead and changes its mind, then for this particular year, I would be in favor of banning.

Councilmember Wilson: So, the way it is being discussed, are they not able to launch them in their own private residence? Correct?

Mayor Peterson: That is correct. We are allowed to do that as long as we provide an alternative place for them is the way that the current State law reads.

Councilmen Wilson: I think the basketball court is the best option.

Mayor Peterson: What about if the State permitted it to be prohibited? Would you still prefer that we allow it?

Councilmen Wilson: It's fine. I'm okay prohibiting it. It is awfully dry.

Councilmen Roberts: With the conditions that we're in, kind of a no brainer. I hate to be that intrusive of taking someone's rights of fireworks away but... whose property is on fire at the time is probably wishing..

Mayor Peterson: ...That their rights were a little stronger.

Councilperson Stirling: The lack of water that we do not have to put it out is the problem.

Mayor Paterson: Is there a motion to designate the basketball court as the only area within the Town of Leeds for the discharge of fireworks during the State-approved windows, which is two days leading up to the day, the holiday and the day following the Fourth of July holiday and the Pioneer Day holiday? And if we are given the opportunity by the State that we would actually prohibit them for 2021.

Councilmember Stirling Moved. Councilmember Wilson 2nd.

ROLL CALL:

Present Absent

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

Mayor Peterson: I will make sure that it's publicized shortly before the Fourth of July. But I will also highlight that in the past the Sheriffs are very busy on the Fourth of July and those days surrounding it. But I will make clear because I have seen some very irresponsible activity where people don't choose to use the basketball court and I am prepared to swear out the complaint myself if people do not follow the guidelines when conditions are as severe as they are this year.

Councilmember Hunsaker: As am I.

b. Discussion and Possible Action Regarding Lot Line Adjustment between Parcel L-HFM-1A and Parcel L-10-B

Mayor Peterson: We have with us our Town Planner who prepared a staff report on it. Do you want to just give an introduction of it, Scott?

Scott Messel: Yes. So back in 2009, there was a minor subdivision that was done, which created this L-HFM-1A parcel. There was always a kind of an unusual little tail area off that, which you can see on the map, but they are wanting to sell a portion of it to the Beaches It would end up being a lot line adjustment; moving the land from one lot to another. State code used to require that if an amended subdivision happened that a Public Hearing be held. Being that it's between two property owners and it's just a lot line that doesn't affect anyone else, a public hearing is not required. Planning Commission reviewed the request and recommends approval to the Town Council.

Mayor Peterson: Okay, and I believe we have with us a representative from one of the applicants. Is there anything you wish to add before we discuss?

Lorraine Greenhalgh: I hope it is over soon because it's been six months?

Mayor Peterson: Okay. Any questions from Council for Scott?

Councilmember Hunsaker: What is your name for the record?

Lorraine Greenhalgh: My name is Lorraine Greenhalgh

Councilmember Hunsaker: Got it. Thank you.

Councilmember Roberts: Scott, that properties is in Zone R-R-1. Right?

Scott Messel: Yes.

Councilmember Roberts: If you take the amount away that the lot line adjustment would have removed, it lowers that property size below the one acre size. I was a Planning Commissioner. How do they suggest an approval on something that....

Scott Messel: that removing it brings it below the minimum lot size requirement. That was not discussed in the Planning Commission Meeting.

Mayor Peterson: Is the 1.21 acres the initial size of that parcel? Or is that the result of the adjustment?

Councilmember Hunsaker: That is the initial size.

Scott Messel: That is the initial size when it was part of the Harold Furrow minor subdivision? And so yes, it would be subtracting point three three acres from the 1.21, as I understand. So yes, it would be below the one acre minimum lot size requirement, so they would need to meet that. There'd be a couple of options. One is adjust the lot line enough that it keeps the Greenhalgh's property at one acre or above, or request a zone change.

Councilmember Hunsaker: So basically .11 to keep it in the R-R-1 or request a zone change to R-R-20?

Scott Messel Yes.

Councilmember Stirling: Yup

Mayor Peterson: Okay. Any other questions from Council? All right, is there any motion or are we going to table this until such time as they come back with one of those other two alternatives?

Councilmember Hunsaker: We have to. I don't think we can move forward without one of those. It's between two residents and I don't have any problem with it, but it is going below that particular zone's requirements that it's in; by taking that amount off.

Ms. Greenhalgh questioned what had to be done.

Mayor Peterson: One of two things. You could apply for a zone change for the parcel so that it was not R-R-1 but rather R-R-20 or you could adjust the lot line adjustment so that it is a minimum of one acre remaining on lot 1-A.

Scott Messel: Yes, your parcel must remain at least one acre in size.

Councilmember Stirling: It basically just has to be 0.21 of an acre that you are selling to them. And you keep one. And I personally wouldn't have a problem making a motion that we approve the lot line adjustment, as long as the piece from Thomas and Cynthia Beach is 0.21, and Frank and Barbara Greenhalgh's remains at one acre or above.

Councilmember Hunsaker: Quick question for you. You also own the property, the parcel, that little tiny corner on the east or southeast? The HFM- 1 HB that's an acre?

Mayor Peterson: That's in the County.

Councilmember Hunsaker: I was trying to figure out how we could, but we can't because that is right on the Leeds line. Okay County man?

Scott Messel: Yes, and we could adjust the lot line but then we would have to do an annexation. It is another option but it's a difficult option just because annexation process is cumbersome, thanks to the State.

Mayor Peterson: Okay, we do have a motion to approve it subject to it being adjusted so that the remaining parcel, Lot L-HFM-1A contains at least 1.0 acres.

Council Hunsaker: I will Second.

Mayor Peterson: Any discussion of the motion? Okay,

ROLL CALL:

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

Mayor Peterson: So there would not be need to come back to Planning Commission or the Town Council. It would just be a need to work through with the engineers to get a map that would leave it with one contiguous acre on that parcel.

Lorraine Greenhalgh: Do I need another survey for that?

Scott Messel: You could just talk to Bush & Gudgell about your surveys. Talk to them and work with your neighbor on just adjusting the line where you can so that you still have the one acre.

Lorraine Greenhalgh: Okay, and then how does that paperwork go to have it legalized?

Scott Messel: So once they put that together, it would be a record of survey.

Mayor Peterson: Should they contact you?

Scott: Yes, contact me. You can call my cell number. I can go to the Recorder's Office with you and help with the recordation of your record.

Councilmember Stirling: And just clarify your lot will have to be one acre. And then the point to one. If you wanted it to be one acre, it has to be one acre or more, but it'd be 2.21 for whomever you are...

Lorraine Greenhalgh: For the Beaches.

Councilmember Stirling: Correct. It would be 0.21

Mayor Peterson: Well, they'd be adding .21 to theirs.

Councilmember Sterling: No because it started out at 1.21.

Mayor Peterson: No, I'm talking about the Beaches. She said the Beaches. The other one is not

going to end up .21. It will be added to their other parcels.

Councilmember Stirling: No because the original is 1.21 acres.

Mayor Peterson: Correct. And they are going to sell .21 And then she asked how large this will be and it will be .21 larger than it is right now.

Councilmember Roberts: Bush and Gudgell will understand exactly. What you tell them is that your property must be at least one acre. They will understand how to make that adjustment.

Lorraine Greenhalgh: Perfect!

Councilmember Roberts: Let me though say something here, Mayor, if I can?

Mayor: Certainly

Councilmember Roberts: Because this topic is right here in front of us. Here's an example of the importance of Planning Commission. I'm not making a judgment call. Everybody has a learning curve. There's nobody who has more learning curve than me. Don't believe me than ask my wife. But it's important to applicants that we are extremely thorough because it can be very frustrating. A lack, whether it's a Planning Commission or whether it's a lack of Town Council not being prepared.

Scott Messel: or staff. I am throwing myself into the ring.

Councilmember Roberts: Collectively it's the representatives of the town, whether it's staff, whether it's elected officials. It is our obligation to be as thorough as we can and not cause more difficulties to come up.

Mayor: Okay. Very, very accurate statement.

c. Action on Approval of Final Budgets for 2021-2022, Resolution 2021-04

Mayor Peterson: Okay, moving to action 8c the final budgets for 2021/22. It's resolution 2020-04. As is often the case, this morning I had provided to me the budgeted revenue for property taxes, we had budgeted \$66,000. The County has told us that we will actually be budgeted for \$67,490. So that's \$1,490 more in property tax revenues. We offset that with a reduction in how much we bring in from accumulated surplus by the \$1,490 in order to keep things in balance. So as a result, the new transfer coming in from the general fund would be \$25,710. The tax rate, which for those who had gotten the email, we had a bunch of Xs in there, the tax rate for a residence of Leeds, for their Leeds Property Taxes, there are about a dozen and a half others there, but ours is 0.0000536. That is set by the County Assessor so that the overall taxes that we receive, the increase, only represents new building that has taken place within the Town of Leeds. They adjust the rate. If the assessed values of properties go up, so that rate is lowered and the total revenue to the Town is unchanged except for new construction that's taken place. So that's where the \$1,490 came in. With those modifications, which we are permitted to make at this stage, may I have a motion to approve Resolution 2020-04, Approval of the Final Budgets for 2021 2022 for the Town Of Leeds and those budgets would be the General Fund and the Capital Improvement Fund.

Councilmember Roberts moved Councilmember Wilson 2nd.

ROLL CALL:

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

d. Discussion and Possible Action on Habitat Conservation Plan, Resolution 2021-05

Councilmember Stirling: Is there any way that we can put a cap on what Leeds residents will have to pay?

Mayor Peterson: I do not believe that would be possible. They said their intent is to see the .02% be moved lower. They think that will be possible over time, but they cannot guarantee it. Those who are participating in the Plan are subject to what that is set at. As with any of the expenses that we have as a Town, it needs to be justified to prove that it is actually being incurred as a result of that activity, and can't be increased just as a source of general revenue. The three choices were to not participate at all, to participate in the plan or to agree to require a permit applicant to participate directly with the Plan. It's not clear how individual landowners might be able to work with the County to actually join the Habitat Conservation Plan or to go with this particular route. Those were the three we had as discussion last meeting, two weeks ago.

Councilmember Roberts: Currently the Town Of Leeds does not participate in that?

Mayor: That is correct.

Councilmember Roberts: You remember, the original map showed that Leeds was not a potential for the tortoise habitat. Now, different entities have caused that bordering properties of the Town of Leeds to become a place where they [HCP] put tortoises. The County did modify that original map. The County Attorney's office presented it to us. They had made an adjustment on that map. It is good to be open to the public. There are no tortoises running around Leeds. There are tortoises running around conservation areas where they placed them. I am not in favor of getting involved.

Mayor: Okay, any further comments or questions from Council?

Councilmember Wilson: So that map that you are referring to, that has been adjusted? Does it actually come into Leeds now, then?

Councilmember Roberts: The entire town, and bridges up into New Harmony even. Where they originally said that it would be highly unlikely there would be tortoises up on that elevation. There are not tortoises up there, unless someone hauled them there.

Councilmember Hunsaker: I'm saying yes because I'm thinking it's protecting the residents. If we have residents that come in, and they want to build on their land, they're not covered by this. If one tortoise is found they are shut down and have to fight with the County?

Councilmember Roberts: I think the Federal boys will keep them from being able to develop, yes.

Councilmember Hunsaker: But if we have this in place, it gives them a layer of protection?

Councilmember Roberts: It does because it gives the responsibility back to the County. So, it pushes that responsibility from the Federal to the County level, the mandate. Part of that is relocation that the County oversees the relocation of any tortoises that are on developable areas.

Mayor Peterson: If the land is participating in the plan.

Councilmember Wilson: If we do not participate in it, an individual would have to go to the County themselves and set up their own...

Councilmember Roberts: I guess from my standpoint, Steve, and I'm looking at it from a very narrow view, I will be honest. It was never targeted for this area to begin with. They've just incorporated here. I consider that a form of extortion. That said, you are going to play by the rules that we decided for your area now that it has the possibility of being tortoises habitat. It has a much higher possibility of tortoises habitat just because they relocated a lot of tortoises adjacent to Leeds town boundaries.

Councilmember Hunsaker: Who determines if the tortoise is native? Say they go out to develop a new piece of property and tortoises! So they relocate it without anyone knowing. Who is going to be? Do they have a surveyor come out?

Councilmember Roberts: They and the County have a team that decide where it came from, and where to relocate it.

Councilmember Wilson: Does that mean if the tortoise just happened to cross your property or live in a burrow or wherever?

Scott Messel: If they're found. I don't know if walking across property counts or not, but I know that if it's found living on the property, then it's an issue.

Council Wilson: I hate to see extra fees tacked on, but on the same token.

Councilmember Roberts: No. The reality is, Steve, you want to develop that 100 acres, I don't want you to develop it, I'm going to go place a tortoise on your property.

Councilmember Wilson: And that stuff has happened before unfortunately.

Councilmember Roberts: Now, granted, if we adopt this resolution with the County, they will mitigate that for us. You'd still be able to follow through with how that development portion goes, but they would mitigate that tortoise and place it off [your property]. If you were in an area that was not protected by that, you're going to be governed by the Federal boys to determining whether that area can be disturbed.

Councilmember Wilson: Because the Town gave us money, we will pick them off for you. That's really what it is?

Scott Messel: The county, as the administrators of the HCP, they have counts. There can be so much loss or death to tortoises. They have a term that's defined when they relocate some. There are mechanisms set up through the HCP. When it was all created with the Feds they created that space. The County can administer it, and they can clear them. When a development comes in, the biologist would walk the property looking for any tortoises. They can leave them or relocate them. Whereas if they are not protected, it's not a taking. My understanding is it does not count those numbers.

Councilmember Wilson: So if someone wanted 100 acres, or whatever it is they want to do, could they, before they started, go in and buy this on their own?

Councilmember Roberts: I'm not sure how individual properties could make connection with the County on that. I would have to assume that. But they would have to be able to do that, because there's potential developments sitting out there in the County, that they will enter in discussion with the County itself.

Mayor Peterson: The County did indicate, as I recall, when Eric Clarke did his presentation, that they would like to work with individual land owners, planned on it, but it didn't seem like they'd worked out the details. And I don't know how subject to change that could be over time. I believe this plan is a 20-year plan. So, I'm not sure one could take comfort, if you were just saying, well, I'm an individual land owner and 12 years from now, I can just go and pay the .02%, I think you would be at risk on that.

Councilmember Roberts: I am sure that the County was more supportive of municipalities.

Councilmember Wilson: So from a full overview, is it more beneficial to protect that for land owners?

Councilmember Roberts: It has the potential to keep the Federal boys out. It's troubling how you really look at this. I read it as a slight form of extortion that says, well, I know that you're not going to have any tortoises, but yes, we really want you guys to be on board and so we're going to collect monies for permits. The only way you're going to find that tortoise, Steve, is if I place it on your property, Now watch, you're going to find one tomorrow.

Councilmember Roberts: I will be open enough in front of the public to say, I would rather have agreements with Washington County than with Federal entities on land use.

Councilmember Stirling: I would like to ask the County, whoever is actually administering this Habitat Conservation Plan if there is an option for individual developers, because we really don't have a tremendous amount of land at this point. It would basically be three or four entities, maybe. And at that point. I would like to ask the HCP administrator, what our options are, so we do not hold anyone in this agreement that if there is an option that they can do it themselves. Maybe that's the way that we should go?

Mayor Peterson: The one thing I would highlight when you said only two or three, anybody who owns a parcel that has not been built on right now, the fact that it's a parcel in an approved subdivision does not protect you from the HCP from the tortoises being located and causing a problem, it would be

applying to anybody who owned a parcel or obviously larger tracts of land, which is I think, what you were referring to in terms of the limited number.

Councilmember Stirling: This is not necessarily for development? It's actually for individuals? Because originally, I believed that it was for developing, when somebody developed and started bringing in roads and utilities.

Mayor Peterson: For a developer, I would say they would need to be getting involved with Scott.

Scott Messel: So, whether it's a building permit or a subdivision, it will trigger it. But it is the value of the building permit that [fee] is charged on it.

Councilmember Roberts: That twenty-year contract with the County is up, I think the end of this year. That's why the county is looking at a renewal of another 20 years.

Mayor Peterson: And I might be mistaken, but I believe the original twenty years got extended by a little bit while they went into this negotiation phase. So it's been a little over 20 years. We have a motion and a second, is there a desire to withdraw, I'm not trying to influence, but I think we could either have a withdrawal of the motion, or we could vote on it. We could also move it to our next meeting and ask for the representative from the County to join us and let him know in advance that our desire's to know about how individual landowners could potentially participate.

Councilmember Hunsaker withdrew the motion to approve. Councilmember Wilson withdrew the 2nd.

Councilmember Stirling: I would like to ask Scott a question on this. So it says that the Town will require all building permit applicants to enroll their project with the administrator. So the building permit applicants are the individuals building the homes. So, correct me if I'm wrong, but the developer would have already developed this property and would have to obtain this type of permit as well?

Mayor Peterson: I think if they did not have the agreement in place, and we can get the administrator to be here to answer that, but if they didn't have the agreement in place, and tortoises were discovered while they were putting in infrastructure. I think as Alan has indicated; you'd have the Federal folks involved if you did not have participation.

Councilmember Stirling: This is taking about the building permit, not the developers.

Scott: That's how they assess the fee. When you do a subdivision, they would have the biologists from the HCP, would want to go out and see the property before any roads or power lines, any of that caused disturbance. Like Rocky Mountain power, when they're running their trucks out or running power lines, they have to have spotters out in front of the trucks to make sure they're not running over the tortoises. Cameron would be a lot more qualified than me to answer those questions.

Mayor Peterson: Okay, I think we've discussed, we've chosen not to take action, there is no need for a motion.

e. Discussion and Possible Action on Application of Hillside Ordinance to Parcel L-3-1-7-1110

Mayor Peterson: Okay, if there's nothing further on that the applicant for item 8e has requested that this be moved to our June the 23rd meeting. So, we will do that at the request of the applicant.

9. Discussion Items:

a. Peach Days Seed Display Participation

Mayor Peterson: That allows us to move now on to discussion item 9a, Peach Days seed display participation, I believe we have a Mr. Clark Fawcett with us this evening. And you'd asked to be on the agenda and to present to Council a bit about the idea of the seed display. So if you could please come up to the microphone, because we do record.

Clark Fawcett: Hopefully, you got to see this that I sent over to you from my discussion on Peach Days. I've been involved in seed displays for 30 years now, and I guess I have a passion for it. The County Fair abandoned it about two years ago, got rid of the tables, this made it a lot more difficult. So, it has kind of fizzled out a little bit. I do not want to see that tradition go away. I loved it when I was a kid in Peach Days. For the last 10 or 15 years, Hurricane was always taking ours and moving it out to the County Fair and putting it in Peach Days. We got a lot of good comments from it. We would like to expand that. So, we are inviting all the cities of Eastern Washington County to start out with. We are going to be limited on space where we are at, so we did not decide to do it in the Western part. As I mentioned in the information I sent, we are expecting to give \$100 to each of the cities that participate. We know that will not cover all of it. And that will cover cost, But it's also a lot of work. It goes to 27 now that I have built, so I know the amount of work that it takes. But they are not really that hard. It's just time to get to it. And so, we'd like to invite you to participate with Peach Days that same Labor Day weekend. We will make available a stand for the display to go on and a vacant building for a couple days earlier there at the community center will have them as they used to be with the County Fair. I did get asked by Toquerville about the winner going to State, and I said we'll talk to county, but the County did discontinue it. We just wanted to ask you if that was something you would do, possibly. I do have my contact information on here. If you do decide you will find somebody who's willing to do it, you can use that contact information, I'll follow up with them.

Mayor Peterson: And you want a commitment by August 1?

Clark Fawcett: Yes, by that time we're going to start building tables. They had a whole bunch of them before they [the County] got rid of them. We got them to give us one. I think the rest got burned.

Mayor Peterson: Okay, any questions from Council?

Councilmember Hunsaker: Is there someplace to get samples of past ones? I was only able to find one online.

Clark: I've got a bunch I can send you. We got pictures from ones we did quite a few years back. I know my wife get pictures of a whole bunch, but I can't find the pictures. I would like to have a portfolio of all ones at all the events. I can send you some pictures of ones that we do have over the last few years. They are on a 4x8 sheet of plywood. The theme of this Peach Days is celebration of our heritage. This year we'd like to really focus on agricultural type stuff. The County is supporting that. And we are looking forward, if you got people in town that are great gardeners, we're looking for names that we can solicit them, people with green thumbs to participate too. So we're going to be

looking at some of those things and trying to push that a lot more. So, I'd like to be had a big celebration of agriculture and heritage. We will have stores, food for the people, and a nice display itself.

Councilmember Stirling: Melanie Barlow has pictures from a few years ago. We did it about three years ago.

Councilmember Hunsaker: Okay, because if we find a set of volunteers it would be nice to have a picture.

Clark Fawcett: I am willing if need be to help you with ideas and thoughts about what to do and kind of stream a direction. If you are looking at it, it looks difficult. It is not that difficult. This has taken a lot of time, but I do not have an artistic bone. And well, I do have musical talent, but do not have an artistic bone in my body, but I can produce these well.

Councilmember Stirling: We appreciate the \$100, that will pay for the 4x8 piece of plywood.

Clark: We used to take these to strip everything off and other people in the parks department using the plywood in the cemetery, placing dirt on there when building the graves, so we try to use them efficiently.

Mayor Peterson: Okay. Thank you. Is there anybody on Council that would be particularly interested in trying to see what kind of interest they could generate? I share the lack of artistic talent, including music.

Councilmember Hunsaker: I'll ask around, see if I can drum up some business.

Clark: If we could get names of good gardeners too, because I'd love to contact them individually and ask them about participating.

Councilmember Stirling: We will bring the peaches.

Mayor: Well, thank you for coming this evening and taking the time.

b. Main Street Storm Water Project Status with Pro Value Engineering

Mayor: All right. We now have our second discussion item of the evening. The Main Street stormwater project status with Pro Value Engineering. We have Karl Rasmussen here. And, Karl, if you would please share with Council the status of that project and the maps you have brought.

Councilmember Roberts: I hope we get some rain, Karl to try out your storm drain.

Karl Rasmussen: It's going to happen the day we put this out to bid and start removing concrete.

Karl Rasmussen of Pro-Value Engineering shared the status of the Main Street stormwater project. He provided maps of the project area. Karl had spoken with Tracy Munson of UDOT. Karl had overseen a survey, a good topographical study, an aerial fly, had completed profiles and was now seeking property-owner contact information. Karl suggested a Town Council Work Session on July 14. The diamond block option will still be priced, but other, less expensive alternatives will need to be considered given recent price increases.

UDOT was adamant that what is currently in front of property defines what UDOT will pay for, although homeowners might be able to pay the cost difference on an upgrade. Karl showed pictures of a cinder block alternative. Karl has \$144,000 in the budget for Phase I fencing. We

will need to consider a safety barrier for those properties without fencing to avoid a trip hazard.

The original budget had an escalation built in, but concrete has risen to that escalated price level. After the July 14 Work Session we would need to be ready to get UDOT approval and prepare documents for bids. We would look to award the contract in August and work could begin in September with a 45-day completion timeline.

Fencing would be located right on the property line. We would need permission to go on their property to place it on the property line.

Councilmember Roberts was concerned that the Town would be responsible for the fence going forward if it was in the right-of-way. Scott Messel mentioned that it would be similar to a park strip. Mayor Peterson pointed out that where there is sidewalk in the right-of-way, the property owner is responsible for maintaining that sidewalk. Currently some fences are on private property, some are right on the property line and others are in the right-of-way. The plan Karl has is to place them all on the property line, unless existing circumstances dictate otherwise.

Councilmember Hunsaker inquired about where there would be 6 to 7 foot drop offs without fencing. Karl indicated the maximum was about 3.5 feet. Karl was going to leave a map listing the property owners he needed to contact. Karl indicated he would send a spreadsheet for the Town to fill out with contact information. The Mayor noted the Town did not have phone numbers for every resident, but would do its best to provide what we could. Councilmember Stirling suggested sending out letters inviting residents to call Pro-Value Engineering. Karl indicated he would provide a phone number for the Town to have residents call Pro Value Engineering on.

cLanguage to be Added to Building Permits Regarding Fugitive Dust & Construction Noise

Mayor Peterson invited Planning Commissioner Mark Rosenthal, who had spearheaded the effort on the topic at the Planning Commission to describe the topic. Planning Commissioner Rosenthal explained that the genesis was observing contractors throughout the building process operating on their own timelines without any consideration of neighboring property owners. The proposal speaks to noise and dust generated by heavy equipment only, including hydraulic hammers, not all building activity, such as nail hammering. Regarding fugitive dust, that is a State requirement that is not in our building permit requirements.

Planning Commissioner Rosenthal explained that about six pages provided was language to amend Chapter 9 of the Land Use Ordinance addressing language to be attached to the building permit package. Mayor Peterson indicated that such changes would require a Public Hearing at the Planning Commission level. Planning Commissioner Rosenthal indicated he was seeking input from Town Council regarding their receptiveness to the proposal before proceeding at Planning Commission. Councilmember Stirling recommended defining construction activity up front to make clear that it applied to significant construction activity only. Councilmember Stirling inquired about requirements for blasting. Mayor Peterson and Councilmember Roberts responded that Leeds permits blasting, but does not currently require a permit for blasting. The proposal would add a required permit for blasting and for excavation even when no immediate construction or subdivision is involved. Councilmember Roberts highlighted that there are currently requirements in the subdivision process, but the current proposals apply to individual lot development.

Councilmember Hunsaker confirmed that the proposed language applies to fugitive dust and noise for individual lot development, not property maintenance activities.

Planning Commissioner Rosenthal highlighted that the objective was to let the construction take place, but with proper consideration to neighbors.

Penalties would need to be assigned by Town Council for non-compliance, which should be part of the Consolidated Fee Schedule. Councilmember Roberts suggested that since it is tied into the

Building Permit, the Building Inspector would oversee enforcement and compliance related to dust.

Councilmember Hunsaker asked if there were any dust abatement strategies that did not consume precious water. Planning Commissioner Rosenthal said the Town shouldn't be dictating how, but there are other options from water to stabilize soil.

Mayor Peterson asked Town Council if they were receptive to seeing a detailed proposal from Planning Commission, which all Town Council members indicated they were. Mayor Peterson then requested that Planning Commission provide detailed language, including associated applications. Councilmember Stirling reemphasized defining construction activity up front.

d. Fourth of July Festivities

Mayor Peterson stated that the volunteers were willing to make the breakfast happen. An open air barn was offered up by a resident for a barn dance. Another suggestion was made to show Leeds: A Town for All Seasons in the Town Park at dark. Mayor Peterson suggested that given the drought, water fun should not be held this year and with current circumstances, including liability insurance for those setting them off, that the Town fireworks display should also not be held.

Councilmember Wilson expressed support for the breakfast and movie and, despite enjoying them in the past, not having the water fun and fireworks this year. Councilmember Hunsaker agreed, but added the desire to have a chili cookoff. Mayor Peterson mentioned that the Town should soon be receiving over 230 hours of raw footage from the making of Leeds: A Town for All Seasons.

Councilmember Stirling had a concern about having the barn dance as part of the official activities, with liability insurance as the focus. Even if the property owner was included as a named insured on the Town's policy, Councilmember Stirling preferred having the dance in the Peach Pit Pavilion. Mayor Peterson mentioned the timing of the dance and movie might conflict. Discussion centered on different sequencing of dancing and other activities on past July Fourths.

Mayor Peterson mentioned that the activities would be on Saturday, July 3.

Other activities suggested included pie eating and watermelon eating.

10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).

None

11. Staff Reports

Alan Roberts announced that he would be rescinding his Mayoral Candidacy Declaration.

12. Closed Meeting: A Closed Meeting may be held for any item identified under Utah Code section 52-4-205.

13. Adjournment at 8:42pm.

APPROVED ON THIS 23rd DAY OF June, 2021



Mayor, Wayne Peterson

ATTEST:


Aseneth Steed, Clerk/Recorder
