

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, August 11, 2021

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, August 11, 2021 at 7:00 PM.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email [Clerk@LeedsTown.org](mailto: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 July 14, 2021
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Dumpster Days, September 3-5, Dumpsters Located on Cherry Lane
7. Public Hearing: None
8. Action Items:
  - a. Discussion and Possible Action Regarding Ordinance 2021-03, Amendments to Chapter 9 of Land Use Ordinance 2008-04, Performance Standards for Hazardous and Other Uses
  - b. Discussion and Possible Action Regarding Expanded Easement through Town land off of Majestic Mountain Road leading towards Parcel L-3-1-7-1110
9. Discussion Items:
  - a. Main Street Curb and Gutter Plan Review
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 10, 2021 at these public places being at **Leeds Town Hall**, **Leeds Post Office**, the **Utah Public Meeting Notice website** <http://pmm.utah.gov>, and the **Town of Leeds website** [www.leadstown.org](http://www.leadstown.org).



Aseneth Steed, Clerk/Recorder

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# Town of Leeds

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## Town Council Meeting for Wednesday, August 11, 2021

### 1. Call to Order: 7:00 pm

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7 PM on Wednesday, August 11, 2021. He Noted that Councilmember Hunsaker was attending via Zoom

#### 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 Roberts leading

### 3. Declaration of Abstentions or Conflicts: None

### 4. Approval of Agenda:

Councilmember Roberts moved to approve tonight's agenda and meeting minutes of July 14, 2021. 2<sup>nd</sup> 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: LORRIE HUNSAKER	x	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	x	_____	_____	_____

5. Citizen Comments: Lynn Potter voiced an objection to Ordinance 2021-03. He is concerned that the referenced items are not present in the documentation. He said it needs to be rewritten in modern language that paraphrases enough to avoid copyright issue. He asked if Council had read the references. Councilmember Hunsaker had. Mr. Potter asked that the Town address how they were planning to implement the ordinance and what measurement they were using to determine the noncompliance. How they were going to measure the dust to determine noncompliance, or will they subcontract that out to other entities. Councilmember Hunsaker said the State does not show the means of measurement in their paperwork or on the State website as they refer to the EPA who has the measuring systems in place. Mr. Potter used an example of a St. George construction site where one neighbor complained frequently while others did not appear to be bothered, so the ordinance requirement is arbitrary and difficult to enforce.

Mayor Peterson responded that our building inspector would be the one that we look to enforce it on a level-handed basis. The other thing I would mention, although I agree you should have access to the references, copyright rights and things, but from many years of being involved with these types of entities, I've always been advised by Counsel that if you really wanted to refer to a particular code, do not put the code in. Then every time the code gets amended, you must remember to amend your particular ordinances. If you're referencing and you want it to be per the actual code, it is best, to actually reference the code. And then as the code gets updated, you're updating that ordinance to reflect the current thinking. This been the case with various other situations where there's an external code reference for buildings, fire, and things like that.

Lynn Potter said that would give another legislative body control within the Town. He wants the ordinance to reflect what is to be okayed.

6. Announcements:

Mayor Peterson explained that even though he was vaccinated he was wearing a mask to protect against spreading the virus he could have been exposed to, due to his travels through multiple extra-populated airports.

- a. Dumpster Days, September 3-5, Dumpsters Located on Cherry Lane.

Councilmember Roberts announced the LDS and Catholic Churches were sponsoring a Countywide cleanup September 11, 2021. Dumpsters will be provided by WCSW at church property locations. This is considered a semi hazardous waste cleanup for the county and supported be WCSW. Mayor Peterson said the annual Ironman event factored into the County cleanup effort in hopes to present the County in a favorable, trash-free way. He asked that details and event information be passed onto him as he would disperse it to the citizens. He asked for suggestion as to how Leeds could support the cleanup effort. Councilmember Hunsaker asked Councilmember Roberts to verify the dates. The Leeds Town garage sale date was set on or close to September 11, 12 and possibly 13<sup>th</sup> and did not want the events to happen at the same time to prevent confusion to would be garage sale attendees.

7. Public Hearing: None

8. Action Items:

- a. Discussion and Possible Action Regarding Ordinance 2021-03, Amendments to Chapter 9 of Land Use Ordinance 2008-04, Performance Standards for Hazardous and Other Uses

Councilmember Hunsaker moved to table item 8a for more research and possible public hearing. Councilmember Wilson 2<sup>nd</sup>. 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 Expanded Easement through Town land off Majestic Mountain Road leading towards Parcel L-3-1-7-1110

Councilmember Stirling arrived.

Lynn Potter distributed maps and the map orientation to Town Council. He showed the curb cuts on the map and said the width was forty-five feet from curb cut to curb cut. He is asking at the very least a forty-five-foot easement of the Town. Since they plan on developing it, he is requesting an expanded easement of sixty feet wide to prevent the need coming back again. He said there had to be a 30 foot turn there because of a gulch. He pointed to a map with topographical lines on it and said in the bottom of the gulch the elevation is 3,550 feet. The top of the curve is 3,560. We're talking about a 10-foot drop here. This will eventually have to be engineered with a retaining wall. You're going to have an embankment on this side, and on this side to the embankment even a 45 was a pain when you're talking about 10 feet on each side. You're already up to 55 feet, okay. And then you throw in the curb, so I'm asking for 60-foot-wide easement as the first step to developing the property. Councilmember Hunsaker asked for clarification on the topographical map. Mayor Peterson said, now this easement that you're requesting connects with another easement across private property, what is the status of that easement across that private property? Mr. Potter said they will let you do anything for the purpose of private right-of-way easement, but if he put in a public road he would have to pay for it. If we did a PUD, planned unit development, the whole road would stay private. they could not say anything about that, but he would still need much wider easement.

Mayor Peterson said, but what is the width of the easement that you have for ingress/egress, across the private property?

Mr. Potter replied we do not have any limits. It was added on so that the minimum width across here was 60 feet.

Councilmember Stirling: So originally when you came, I don't even know how many years ago it was, but it was when you asked for an easement and then you came back, and you didn't need these and so we refunded that money. Is that the same area or not?

Mr. Potter: That's the same area. Originally, I asked for a much wider easement. I was told no; I would have to pay for it. So, we paid for it. And then I found proof that said that we should not have had to pay for it. So, I came back and tested it and asked for a refund and then the City granted us a refund. I asked for widening at that time also. I didn't press the issue because I had some Hillside ordinance things. I did not want to alienate the Town, but we are past that now.

Councilmember Stirling asked Is this the same type of easement? Mr. Potter said Yes. She clarified, we granted you 20 feet and now you want 60? Total? So, 20 extra feet on each side?

Mr. Potter: The road will be thirty or thirty-five feet, but there's an embankment that you are going to have to compensate for and fill in along. There's a curve come in for a real road coming in at an angle. actually, if it's a real road. But that's for the future when we'd apply for the permit and then that's a whole new ball of wax.

Councilmember Hunsaker inquired about the Pace's easement boundaries as well as the Town.

Councilmember Roberts: Lynn, what is the benefit to the Town if there is a wider road there? Before you answer that, let me throw this out there. That easement is for a public road, and that means that the Town is responsible for that square footage for its maintenance, right? Why would the town want to increase the size of that road that serves a single property and incur the maintenance costs for maintenance?

Mr. Potter: We are working on options for the future, developing the property. We are looking at minor subdivision. We can either use the existing zoning, so there wouldn't be a big fight, with five lots and five homes in a cul-de-sac. I think we'll probably have to go with the planned unit development. The road would be private.

Councilmember Roberts: It becomes private after it crosses the Town's property. That is where it becomes private. Unless you're willing to sell that easement back to the Town and incur that cost.

Mr. Potter: We would pay for the development. We pay for the road, and we pay for it to be able to develop roads in the Town. As for anything immediate, we would not be incurring any immediate costs to the Town until we started to develop and then, if that was successful, then we put the road in. Then we dedicate it to the Town and pass over the easement. Until we move further on this, there would be not a detriment or benefit to the Town at this point

Councilmember Stirling asked what's the benefit of having it sixty feet for you right now? Mr. Potter said he is using it as a guarantee before he spends money on engineering.

Councilmember Wilson: If I were to put this in a nutshell this easement is so you can have a wider road to fill up along its side so you can have better access to your property? Because through an easement it becomes a Town road, and we have to maintain it?

Mr. Potter said until it becomes a real road, yes. He said there are two options. One was to take the road on through the development and the Town would be responsible for the maintenance. The second was a planned unit development with a cul-de-sac in which the development would take responsibility for the road.

Councilmember Roberts: Right now, the 20-foot easement would allow for a residential building to be placed on it. It is wide enough to allow that type of development. Any other type of development would require a wider width. That is what you're asking to account for is the wider width to give more options than what's currently available for that piece of property.

Mr. Potter: If we backed it off and went from a point of view of just exactly what I need now for safety purposes is this 40-foot curb cut...

Councilmember Roberts: The curb cuts are arbitrary.

Mr. Potter: We want to try and straighten this out. We are limited to 20 feet, even to raise this road up, because it's very steep here, if you want to raise it up and stay within the 20-foot range. If you're doing it at 45 degrees, and it was 10 feet up, and 10 feet over. You got 10 feet on each side, by the time you're done with the embankment, you've only got a 10-foot driveway. So even if we didn't count any future development, right now for this, we need it wider for the sake of safety. This is how wide our driveway is, we'd like to have our easement this wide. Even at 42 feet, we could make it work down here with the embankments. We would put the curb and we would put in a retaining wall. For our use now. It needs to be wider.

Council discussed and concluded for Majestic Mountain right of way was fifty-five feet wide.

Councilmember Stirling asked Mr. Potter, if you put in a designated public road do you to have something signed by the next owner of that property and Potter confirmed yes.

She asked him why he had to pay for it in the first place, then why you didn't?

Mr. Potter: Because I was wanting to go along with whatever the Town asked.

Councilmember Hunsaker said are you asking for 20 feet on either side and how far does that easement go? Mr. Potter said 74 feet on one side, 187 feet on the other side.

Mayor Peterson: I'm a little confused with regard to the easement you say is in place on the adjacent private property, in that every easement that I've read tends to specify a width and length of the easement going through and you seem to say the easement languages such that you can put anything on it.

Mr. Potter: That's correct. If you'll note, the first page, the document, the Town's property and the easement for us, there's no documentation on the width or anything like that. That's the way they did things back then.

Mayor Peterson: But that's on the Town property, I'm speaking about the property that would then be connecting with this particular easement before it gets to your property.

Mr. Potter: The same person that wrote that piece of land, you can drive over.

Councilmember Hunsaker: And Kevin has given that permission that you can? Because if he has not and we do, it is a moot point.

Mr. Potter: there is a number and the book and the page number with the County records for this existing...

Mayor Peterson: You are saying that it does define the area over which that easement that defines the area?

Mr. Potter: It does not say you can only build the road 20 feet wide; it does not say you can't raise it up for safer drivability. It doesn't say we can't pave it.

Mayor Peterson said I think it would make sense for us to ask our attorney to just do a review of this before we move forward with it. And in addition to the review of the request for the 60 feet across the Town parcel, I'd like him to look at the language to make sure that there wouldn't be any conflict regarding how it would connect to the existing easement that is on the other private property. Do other members of Council think that would be appropriate to do at this point? Council agreed. Mayor Peterson concluded with that desire from Council, I will work to forward this to the attorney tomorrow and ask him to get a review in place for September, if there's no objection to that.

## 9. Discussion Items:

### a. Main Street Curb and Gutter Plan Review

Mayor Peterson asked Karl Rasmussen to share what took place at the meeting on July 14<sup>th</sup>.

Karl Rasmussen said I got with Tracy Munson with UDOT. He requested that we prepare lower utility sheets. I had a conflict with irrigation So I'm going to get that revised. I'm waiting for gas because he wants it on there, too. So, we'll have all utilities on there, we show the overhead power line. We want to get some new utility sheets. There will be five of them. He explained the sheets need to be a specific size and scale. He will be adding 3 sheets to the site plan. Sheets to the grading plan and 6 sheets to the utility plan. There will also be a summery sheet which will include every property owner, their footage, and every line item that is applied for what is going to happen in front of their property. Every improvement that is going to happen in front of their property. If it is going to have steps, if it will have wall treatment, of course, they're going to have the sidewalk lift, or removal. Some are going to have log treatment. It is one of the ones that put sandbags or logs on their driveways. So, it will have something permanent, yet their sidewalks still will be uplifted so that any water that comes down can just keep the pathway down Main Street. So, here's the scoop. Next Tuesday, Wednesday, they want a full set of plans. I've got three

working days to fix those. The summary sheet is easy to create because we've already created the spreadsheet. It's like the same sheet we've been passing around, I just need to bring it because we're going to add it to these plans and fix it up. They want to have it a week before a site visit out here. That would be like three to four hours to walk every piece of property. We go over every improvement that's on the summary sheet. And see if there's anything else that we need to add or test and make sure that we mark it on the plans. After that, we will probably just tell them to take a week to correct it. I think during that same meeting we will have some mockup specifications. They have their own specs. I'm just going to take what UDOT has on their specs and put it in a Word file so we can print them and go over every specification. Now I'm going to give them the contract documents. When we get there, the summary sheet, create a bid schedule, and then during that meeting, we'll probably just set an advertisement date. Advertise this job and set a bid date sometime in September or middle of October. We go from there. Either the 25th or 26th, or 30<sup>th</sup> or 31st is when we would probably set up a site visit. He's got to get with the other team to find out. So, are you okay if I set up any one of those four days? I want to do it in the morning, so it's not as hot.

Mayor Peterson said he would be available. Council discussed and agreed that Councilmember Hunsaker would accompany the tour.

Karl Rasmussen: I'll bring sets of plans that replace what's in your hand. But if you see something that sticks out to you, my email address is on the set of plans

Councilmember Stirling: Is your legend just a go to legend, or is the new sewer manhole per Ash Creek standards?

Karl Rasmussen: That's from the site plan

Mayor Peterson: Have you reached the point where you could describe kind of the maximum drop off that you would see between the sidewalk and the property of a homeowner?

Karl Rasmussen: Well, we've gotten details on our wall where we're going to be able to go up to five feet easily with our wall detail. Yeah, there's a couple of them. But most of them are going to be the two-to-four-foot range. I've got a design right now to be two to 64 inches, which is four and a half feet, but there's a couple of them that when we do our site, we'll probably do a separate detail for the five and six footers. We'll get your full set with UDOT's request what they want on next Tuesday or Wednesday. And then everyone will have a week to look at them and then we'll do a site tour and hash it out again. Take notes, revise what we see that needs to happen and anything we missed.

Mayor Peterson: Okay, if you could get those to [clerk@leedstown.org](mailto:clerk@leedstown.org) and then Aseneth, if you can make sure everybody on Council gets it, and everybody on Council just make note that as early as the 25th, there'll be the site visit, that would be helpful.

## 10. Citizen Comments

Susan Savage: My comment is not so much addressed to Town Council as to anyone who may be listening because I'm having an attorney check on private property. Over the years our family has learned a lot. And if someone were to say to me, you have an easement to do anything you want across my property, I'd be nervous about it. And with all respect to Lynn, when he says that's the way we do things around here, it isn't. Just a couple of examples, we had a DC Cat show up on our property where someone had been crossing with a motorcycle to check on a mining claim. And I didn't know anything about it, so I called our attorney. There's more than width that's involved in an easement on private property. There's purpose. It turns out that the law says that person going across on a motorcycle only has the right to do that. He can't even touch the road.

Another incident, we had our fence between us and Eldorado. People kept calling and saying your cows are out. I would go to the same two places to fix the fence, and so then I bit the bullet and spent several thousand dollars, hiring a fencing company to come in and put it in. As soon as it was up,

somebody called saying your cows are out. So, I went up, the fence had been cut and wires pulled down and the boulder sat on top of it. It took me a while to find out who was doing that. When I found the lady, she said that's our endurance race. That's where we do our endurance races, we have to come across your property. We had quite a little back and forth about it. I said no. And she said, oh yes, that's our route, we have a right to do that. They did not have a right to do that. So, it turns out that there's a lot, a lot more to it than width. There is purpose. We have a neighbor that we have to cross his property and he has to cross ours, we both need each other and so we have something to work out we find out that it's very technical. If I were in that situation, I would want to have it nailed down.

#### 11. Staff Reports:

Mayor Peterson: I have just one to share with the most recent meeting of the mayors throughout Washington County, the county commissioners, and the medical people. Dr. Blodgett, who is the head of our five County Southwest Utah Public Health, was asked a question about the safety of the vaccine because of reports in the country of certain reactions that had taken place. And he had, I thought, a very interesting statement, which was that he felt it actually highlighted how thorough they were being with the fact that each of these instances were being noticed, being reported on and being followed up on. And it was his medical opinion that the vaccines have proved out since their introduction at the beginning of this year, to be effective and to be safe. And I thought it was just interesting, because the same information that seems to generate the most concern among the general public seems to be the information that gives the most comfort to the head of our public health area down here in southwest Utah. And I would just encourage people to look at the math, look at the science, look at the medicine, be mindful of the myth and get fully informed on it because it is something that would be very beneficial to put an end to some of these outbreaks that are taking place. Overall, things are much better locally at our hospital. There are parts of the country that if they were independent countries, as opposed to just a State, they would be at the highest rate of infection right now. So that's why I don't feel so safe having listened to everybody come and go from every place in America yesterday. But that's the only staff report I have this evening. There is no need for a closed meeting.

Meeting adjourned at 7:57pm

APPROVED ON THIS 8<sup>th</sup> DAY OF SEPTEMBER 2021



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Mayor, Wayne Peterson

ATTEST:





Aseneth Steed, Clerk/Recorder