

# Town of Leeds

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## Town Council Meeting for September 14, 2016

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on September 14, 2016 at Leeds Town Hall, 218 N Main.

ROLL CALL:

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

2. Pledge of Allegiance by Councilmember Rohr.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Rohr moved to approve tonight's agenda and meeting minutes of August 10 and September 7, 2016. 2<sup>nd</sup> by Councilmember Cundick.

Councilmember Shelton, on the issue of the citizen comments, chapter 5, I asked a lot of questions on that and I don't see that listed here. I would like to have the questions that I asked and the answers put into the minutes for this particular day, August 10, 2016, unless I am missing something. Mayor Peterson, with a motion on the floor, I don't want to not approve them but I believe it would be a request if anybody would withdraw the motion and we could table the minutes from, or may I suggest modifying the motion where we table the minutes from August 10<sup>th</sup> and we approve the minutes from September 7, 2016.

Councilmember Rohr, so move, so amended.

Councilmember Cundick is that satisfactory to Councilmember Shelton?

Councilmember Shelton, yes, second.

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: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

5. Citizen Comments: None.

6. Announcements:

Mayor Peterson announced the following events:

- a. Silver Reef Museum events  
Southern Utah Water Color Society, all media art show, September 23 & 24th 10am to 5pm  
Women of Silver Reef, September 24th, 10am.
- b. Final Town BBQ, Friday September 30th at 6pm
- c. Wild West Day, Saturday, October 8th

Mayor Peterson indicated Randy Stevens brought to his attention yesterday that National Septic Smart Week is September 19<sup>th</sup> through the 23<sup>rd</sup> and there will be information on it in the newsletter.

Randy Stevens indicated he has more information about it and will leave a copy at Town Hall.

Councilmember Rohr, I want to offer congratulations to Alex Sullivan a high school senior from Leeds, who wrote an editorial in today's paper that was very well written.

7. Public Hearings: None.

8. Action Items:

- a. Discussion and possible action on adoption of State Traffic Code

Town Council discussed the State Traffic Code and why the Town is considering adopting it. The Town is going to start prosecuting traffic violations within the Town boundaries. In the past, the County has done the prosecution for Leeds; however, the County will no longer prosecute class b, or below misdemeanors for municipalities unless it involves violence. The State Traffic Code addresses the different vehicle citations that the Officers can issue.

Mayor Peterson asked for a motion to approve Ordinance 2016-06, an Ordinance adopting the State Motor Vehicle Act.

Councilmember Cundick I so move. 2<sup>nd</sup> by Councilmember Rohr. Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

- b. Discussion and possible action regarding Town Public Defender

Mayor Peterson, this situation arose after we hired our persecutor where an individual was cited for driving under the influence and with driving under the influence, the potential exists for jail time. When jail time is a possibility, the Municipality is required to provide a Public

Defender to the individual. What I did administratively, because we did not have time to meet is spoke to Gary Kuhlmann and he knew of an individual who has been filling this role in Apple Valley for the past 2 years in title. He is there and ready to do it, but he has had zero instances where he has had to be involved as the Public Defender. With this, what I am asking is if we could agree to put out as we did with the prosecutor, a request for proposals from people who could serve on an hourly basis as the Town Public Defender so we have somebody in place under contract, should there be future incidents where we need to have somebody serving in that role.

Councilmember Cundick, I think we should.

Councilmember Rohr, so what we are voting on is just soliciting proposals.

Mayor Peterson, just soliciting proposals, the contract you see there is for the Prosecutor, item 6.

Mayor Peterson asked for a motion to put out a request for proposals for the position of Town Public Defender.

Councilmember Cundick, I so move. 2<sup>nd</sup> by Councilmember Rohr.

Councilmember Sheltman, aren't we kind of doing this backwards?

Mayor Peterson, they are 2 separate positions. We agreed to hire somebody at our last meeting. As the Public Defender what we need to do is agree on the next item to the form of that contract.

Councilmember Sheltman, if we are going to vote, if we are going to do that, it would be very helpful to me to see some small Towns in Utah or small Towns around here and see what kind of charges they get on Public Defenders, because we haven't done that yet. I would like to know what the costs are on this. I am thinking I am sure we have a core group that do drive around drunk and probably don't have money for a defender and I am thinking they are probably going to take advantage of that. I would like to see some numbers somewhere, I am sure somebody is doing this in a fairly small Town, maybe about 3 of them where we could actually look at it and see what kind of cost we are looking at.

Councilmember Cundick, why don't we get some solicitation and we can look at them to see if they look reasonable. We can also get some more information.

Councilmember Sheltman, I am thinking truly on what the cost is to a small Town that does this because we didn't discuss this when we were talking about a prosecutor.

Councilmember Cundick, I understand, but it doesn't cost us anything to ask for solicitations.

Councilmember Sheltman, no it doesn't, but along with that before we get any farther on this, it seems to be going fast, I sure would like to see something to see what we are talking about in costs. This is supposed to be something we are going to use to take care of small violations in Town and it's getting bigger than that. Things like this suddenly become revenue streams but those revenue streams suddenly end up costing us more then they make us, or at least in small Towns it seems that way from my history with this Town for about the last 13 years. So I would like to see before we go any farther, dollar amounts. Here is a small Town similar to yours and here is what their yearly amount that they spend, maybe over a three year period if anybody else agrees to that.

Mayor Peterson, the one thing that I did mention, which Gary had told me is over the past 2 years Apple Valley has had a Public Defender, they have had zero costs associated with having a Public Defender. It is not frequently utilized, but we certainly can look to others, but I don't see why we would want to slow down the process of just requesting proposals which would allow us to find out what different rates people would be willing to charge to serve. Then once we

have that, we could compare it to what we see as the actual rates and actual usage from a few other small communities and can make that part of the discussion at that stage. Councilmember Sheltman, yeah, you could do them both at the same time, I would be open to that.

Mayor Peterson, when you say both, you mean review the actual proposals.

Councilmember Sheltman, well once we pick a person, we are basically choosing somebody like we did last time and of course there will be a contract at the next meeting, but before we actually bring people in here and they take the time to come here, I would just like to see the numbers. Apple Valley is just one example and it is in the middle of nowhere. We have a lot of traffic, we are talking about I-15 right, we are going to be controlling I-15, at least parts of it. That is a lot of traffic; we are not talking Apple Valley, we are talking something much more complex as far as traffic and that is probably where we are looking at I'm guessing for Public Defenders, mostly DUI's, things like that. I would like to see number on it from Towns, maybe one that has a highway running through it.

Councilmember Cundick, I think we could go forward, we don't have to bring anybody in until we look at the solicitations and we look at what the comparable rates are from other small Towns and we can decide if we want to bring in someone then.

Councilmember Sheltman, that would be fine. Before you actually bring bodies in here and they have to go through the trouble of coming here.

Mayor Peterson asked for a motion to request proposals for the Town Public Defender on an hourly basis.

Councilmember Cundick, I so move. 2<sup>nd</sup> by Councilmember Rohr.

Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	x	_____	_____	_____
COUNCILMEMBER: ANGELA ROHR	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

c. Discussion and possible action regarding Town Prosecutor contract

Mayor Peterson, it is something that was prepared by Gary Kuhlmann and forwarded to Rachael. We do not have her signature on it yet; I would not sign it until she has signed it first. That is just standard procedure here with the Town that we ask for the document to be executed before we execute it. What this is requesting is the approval of the form of this contract and authorization to sign it upon the execution of the document by our prosecutor.

Mayor Peterson asked for a motion to approve the form of the Criminal Prosecution Services Agreement and authorize the signing of it upon its execution by the Prosecutor.

Councilmember Rohr, so move. 2<sup>nd</sup> by Councilmember Cundick.

Councilmember Sheltman, I am at the same point on this one, where again, we didn't know we had to have a defender at this point and I would personally hold off on this until we get those numbers.

Councilmember Cundick, I am not clear, we already discussed this with this individual.

Councilmember Sheltman, we did with her, but we didn't discuss the extra cost of the Public Defender that was required, at least if we did I am wrong and will take that away, but I don't remember.

Councilmember Cundick, I don't see that as having an impact on the Prosecutor.

Councilmember Sheltman, because I would like to look at the whole package.

Councilmember Cundick, well what difference is it going to make if we look at this now.

Councilmember Sheltman, because I feel like, I feel I wasn't given all the information that is out there. I don't feel like I was giving total information on it.

Councilmember Cundick, what are you missing on the Prosecutor?

Councilmember Sheltman, not the prosecutor, on the Defender that we are now talking about. It's probably going to be \$125 or \$150 an hour that is necessary now and what the costs are going to be now.

Mayor Peterson, if I could point out that the Prosecutor will be prosecuting ordinance violations as well, where there is no jail time and no need to worry about a Public Defender. Giving the strong concern about the fact that even though we have had enforcement, it hasn't been fast enough, or severe enough for some people, it would be foolish of us at this point in time to not agree on a Prosecutor given it is an important part of being able to enforce our Ordinances as well.

Councilmember Cundick, well I think it goes beyond that, we met with this woman and we agreed to hire her at this rate, so she is waiting for a contract to sign. I think we would have a lack of good faith if we didn't move forward on it at this point.

Councilmember Rohr, this matches what we discussed with her, but this agreement is only valid until January 1 and so while meeting and researching Public Defenders costs, we might also at the same time ask them questions about the Prosecutor, not effecting our decision tonight.

Councilmember Cundick, I would point out Elliott, that also, this can be terminated at will. So if we think we made a bad situation, or a bad decision, we have the right to terminate this.

Mayor Peterson, 60 days though.

Councilmember Cundick, well okay, but if we think we made a bad decision here, we can pull it back.

Motion passed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR	x			
COUNCILMEMBER: ELLIOTT SHELTMAN	x			
COUNCILMEMBER: NATE BLAKE				x

9. Discussion Items: None.

10. Citizen Comments:

Randy Stevens, just a point of information, SR 59 goes right through Apple Valley; they have a lot more traffic than we have on SR 91 here.

Randy Stevens, this is that book Mayor that I told you that I thought I gave you. I don't know if I did or not.

Mayor Peterson, does not look familiar.

Randy Stevens, I will leave this with you and you can look at it. This is from Arizona; I attended an Arizona septic conference last year. They printed this book off; its publication's funded by the County Board of Supervisors. Three districts funded it and printed this off. It has a lot of information that the EPA site had, so this is just something that they have developed for their communities. The EPA website has all of this information on it; I can leave it and let you look it over if you want.

Councilmember Cundick, where is that, on Arizona's website?

Randy Stevens, on the Arizona County website.

Mayor Peterson, that is a hard copy that he is leaving with us. We will make a copy and get the original back to you.

Randy Stevens, I know it is available on their website. It is one they use for the septic owners there; I just got it at the conference. The Septic Smart week is just more information on how to take care of your septic system. How to maintain your septic system, signs you can look at to see whether it is failing or not, or what you need to do, or what you should not do. It is a lot of good information. A lot of this is just wording it different. Some of this is what was in the power point presentation and I told the Mayor I was willing to answer any questions on septic tanks. I am kind of falling into that area at work so it is nothing to do with sewer coming into Town or anything else. I have a septic tank and I like to take care of it and pass that information on. One thing that I did find out in a class I have been taking 3 days this week it popped up Monday and I didn't know anything about this septic week until Monday and today I found out to answer your question Mayor, about maybe some financial assistance. I have been told and I haven't looked it up yet, maybe you can look it up on the County Health District. If a septic system is failing and needs to be replaced or repaired, there is money available through the Health District to do that. So if it needs to be replaced they said a 0 percent loan for 10 years. I don't have any proof; I don't have it in writing other than the presentation in class I was taking today that was presented by the Utah University, Weber District.

Mayor Peterson, that is something that I don't know if anybody on the Council is aware of it, but it certainly can be very helpful to the people who are facing a need to replace it and don't have the funds.

Randy Stevens indicated there is a list of criteria for the funding and the Health District should have that.

Denton Whipple for Ensign Engineering and Town Council discussed the Main Street project.

#### 11. Staff Reports:

Councilmember Rohr and Councilmember Cundick discussed the Silver Reef Park property.

Councilmember Rohr and the Mayor discussed Proposition A.

Councilmember Rohr, I was thinking over the last few days about vacation homes and I know we attended the Virgin conference where Utah League of Cities and Towns (ULCT) talked about how the legislature was moving in opening this up. I am concerned that we really need to look at our Land Use Ordinances and see if we need to tighten them up somehow.

Mayor Peterson, there were some amendments that had been discussed by the Planning Commission at their last couple of meetings. They seem to be reaching a point of, because the ULCT was encouraging no changes that we should follow suit. That was something that was initially stated by the ULCT, but the Washington County Mayors Association had several Mayors speak up very strongly on the idea that we were not prohibited as Towns and Cities from looking

at our Ordinances and updating our ordinances. I think it would be appropriate for us to do so. I think it is a very modern topic with regards to the internet and the use of renting out rooms in homes and complete homes. I think it is something that when we wrote our Land Use Ordinances, nobody was envisioning this type of activity, so I will speak with Planning Commission in order to ask them to please not follow the view of ULCT, but rather look at ours to see what seems to make sense in 2016. I would agree that it makes sense to look at it and have something in place that we are comfortable with and then if the State Legislature says "that's not acceptable", then we will need to address that later on. They may say "no new ordinances shall pass", I would rather modify our ordinances, update them right now and amend them to where we would like to be before that decision might be made. It is pure conjecture.

Councilmember Rohr, I would also comment that in the article, they favor the owners who are doing vacation rentals.

Councilmember Rohr, I thought that Planning Commission alternate Danielle Stirling, not just at the last meeting, but in recent times has done an outstanding job presenting information, doing research and raising good questions to bring before. I would encourage us moving her to a full member.

Mayor Peterson, I will take that under consideration.

Mayor Peterson, Arbor Day I am looking at scheduling the observance of it during Wild West Day so we have a little higher profile of it this year.

Mayor Peterson, on the newsletter, I will be asking for volunteers. This past Sunday I was involved in putting up and taking down the flags along Main Street for September 11<sup>th</sup>. There were people both on our way out and our way back, in the late afternoon that stopped and offered to help and joined in the process at one point there. It is something that I think would be good to get individuals involved in the community and seems to be something that people really want to be part of.

Councilmember Rohr, indicated she think that is an excellent idea and discussed it further with the Mayor.

Mayor Peterson, there is also something with storm water where a couple of citizens made comment at the last meeting. I did meet with an individual from UDOT where he reviewed some before and after photos that were available with regards to the properties. He believes that UDOT properly engineered the road to specifications that have been used throughout the state. I spoke to the couple who raised the issue, the Vasquez's and they indicated that they understood that it was not a Town responsibility but they wanted to know if anything could be done because it impacts a series of neighbors there. What I will do is speak further with UDOT with regards to if they are able to make any suggestions because there are overlapping impacts if somebody upstream doesn't take any kind of measure to keep the water where it needs to be to be safe, it does impact somebody. If it is already behind the sidewalk by the time it gets to somebody's house it is a lot harder for them to do something with. So, I will try working a little more with UDOT on that, but they did seem to feel fairly quickly that their engineering was sufficient. What I would like to suggest as well as that, I am going to include in the newsletter a request for volunteers. We have Randy Stevens who has been a longtime volunteer, initially with the Leeds Special Service Fire Department and now with the Hurricane Valley fire portion of their activity. We have other volunteers in Town that are part of the emergency medical response. One of the differences with Hurricane Valley is they want people to train on both. The existing people from Leeds who joined when it was consolidated are able to continue to be Fire or Medical or both but

any new members have got to agree to train up on both. Angela I know you and I both went through a CERT Training Program, far less rigorous, but still a rigorous program with regards to being able to support the community in the event of a disaster that needs to be attended to. What I think would be appropriate as well here is we have had storm water issues in the Town of Leeds on an ongoing basis. You may remember Angela, I know it was when I was not yet on Town Council, you had given me a copy shortly after I had joined, and there had been a storm water study that had been done of the entire Town. A CIB Grant for \$15,000 had been obtained and the entire Town was analyzed for a whole variety of things, the absorption of the soil, the slopes of the terrain and the natural washes that existed. In that study it identified 3 levels of areas that needed attention if you were going to completely manage the storm water. They had high, moderate and low priority with that. The cost of doing it at a minimal extent came out at about 1.25 million dollars. The cost of doing that if you were to fund it over a 25-year loan that was available at that point in time at 3% would have amounted to a little over \$21.00 per month, per average household for 25 years. That would be a little over \$6,000 per household in order to pay for that 1.25 million. If you wanted to do it the way it was recommended, to really address the things as to be fully proper, it was 2.5 million dollars. So as a result, it would be over \$12,000 per average household in order to bond for that and make the improvements and pay them down over a period of 25 years. What I would like to suggest is, we still have the opportunity to request that people volunteer for the Special Service District to handle the fire and medical we are part of, and we are going to try to get more active in regard to recruiting CERT members as well that are part of the Hurricane Valley, but I think here in Leeds a much less intensive, in regards to training requirement, would be to form people to work together when we have a storm water situation, because we are not going to be able to ever control the weather. They can engineer to the different levels whether it is a 10-year, a 50-year, or a 100-year event, but I know having traded commodities, that you can have a 50-year event and three weeks later have a 100-year event. Mayor Peterson discussed it further.

Councilmember Cundick indicated he thought it was a good idea and would like to identify the people most at risk that may need help first.

Councilmember Rohr, asked if Valley would be included

Mayor Peterson, it would be for the whole Town.

Councilmember Cundick, we could solicit volunteers and see what turns up.

Mayor Peterson, I have a call into Chief Kuhlmann to see if we could store some stuff here.

12. Closed Meeting:

13. Adjournment:

Councilmember Rohr adjourned the meeting.

Time: 7:57pm

APPROVED ON THIS 12<sup>th</sup> DAY OF October, 2016



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder