

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, May 10, 2017

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, May 10, 2017 at 7:00pm. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

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 April 26, 2017.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
 - a. Declaration of Candidacy for Mayor and Town Council, June 1-7
 - b. Leeds Emergency Preparedness Fair, Saturday, June 24, 10am-4pm
 - c. Leeds Princess Pageant Results: Jessica Mathis – Princess, Kerri Hansen – 1st Attendant, Kylee Westhoff – 2nd Attendant, Mckyla Barlow – Miss Congeniality
7. Public Hearings:
8. Action Items:
 - a. Approval of Tentative Budget for 2017-2018 General Fund and Capital Improvement Fund and setting of Public Hearing date for Wednesday, May 24
 - b. Planning Commission appointment, Danielle Stirling
 - c. Resolution 2017-04, approving an amendment to an independent contractor agreement regarding planning services
 - d. Resolution 2017-05, Utah State Wildfire Protection Program
 - e. Discussion and possible action regarding Canyon Creek change order
 - f. Discussion and possible action regarding Red Cliffs Road work
9. Discussion Items:
 - a. Silver Reef Road and other parking
 - b. Main Street Curb and Gutter Update
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 May 4, 2017 at these public places being at **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leadstown.org.**



Kristi Barker, Clerk/Recorder

Town of Leeds

Town Council Meeting for May 10, 2017

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on May 10, 2017 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 Cundick moved to approve tonight's agenda and meeting minutes of April 26, 2017. 2nd by Councilmember Sheltnan.

Councilmember Rohr, indicated there is one misspelled word, does was dose.

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. Declaration of Candidacy for Mayor and Town Council, June 1-7
- b. Leeds Emergency Preparedness Fair, Saturday, June 24, 10am-4pm
- c. Leeds Princess Pageant Results: Jessica Mathis – Princess, Kerri Hansen – 1st Attendant, Kylee Westhoff – 2nd Attendant, Mckyla Barlow – Miss Congeniality

7. Public Hearings: None.

8. Action Items:

- a. Approval of Tentative Budget for 2017-2018 General Fund and Capital Improvement Fund and setting of Public Hearing date for Wednesday, May 24

Mayor Peterson discussed the budget and the timeline for adopting it. Changes to the budget are still anticipated and can be made up until the time the final budget gets approved.

Mayor Peterson asked for a motion to approve the Tentative Budget for 2017-2018 for the General Fund, and Capital Improvement Fund, and to set the Public Hearing date for Wednesday, May 24th.

Councilmember Rohr, I so move. 2nd by Councilmember Cundick.

Councilmember Rohr, I do have a question here, we have class B&C fund listed under contributions, total donations, and grants, and then we have class C road funds listed under intergovernmental revenue.

Mayor Peterson, the first entry is the B&C road funds that have not been expended at this point, but have been paid to the Town in years leading up to the present. And then the class C road fund is what is anticipated as new revenue in 2017-2018. That is another example of a number as we get closer, that \$125,000.00, we will be sharpening the pencil basis some of the projects that we are finishing up and getting that to accurately reflect what our carry forward balance will be. What I would highlight is that this budget is proposing, if you were to look at it, a surplus of \$22,975.00, if you look at the final page, at the final number, on the second column from the right. Now there are a couple of numbers that I just want to highlight to Council. One is in the area where you were mentioning the funds being brought in from the B&C road funds, there is also money being brought in from the previous year's budget. We are this year looking at a projected surplus for the year, if you were to look at the third column from the right, on the final page of \$21,618.00, and that is being brought forward in the form of \$20,470.00. Right now, saying that we are going to be there, rather than accumulate a surplus, we are figuring we will look to expend it in the year ahead. The other thing that I would mention, if you look at the revenues, I always feel like it is important not to project upward trajectories on revenues. Many of them are tied to things, like sales taxes, property taxes, fee income that is paid for by people for things like business licenses, which I would mention a couple changes that are in here. If you were to look at our revenue from business licenses, that is down by \$1,000.00, where it had previously been \$1,500.00. In the recent session of the State Legislature, they have now made it that you need to go through a justification process showing that a home business license is creating some sort of financial cost to the Town beyond just administrative. So, we will be reducing in the next year in January, the business license fee to zero. We still, I believe, want people to register their businesses, we are allowed to do that, but we don't have the ability to charge them basis the new ruling from the State, so that number has been reduced. The other one is an increase on our expense for insurance and bonds of \$3,800.00. That is on page 3, and that is reflecting the Wildland Fire, which we are going to be discussing later, and our share of that which would allow us to participate in a risk pool, where we would be covered if any fires start or expand into Leeds that require more than just an initial attack to bring them under control.

Councilmember Rohr, I do have a question, on page 1, the sanitation revenue, the current year is budgeted at \$66,000.00 and the new one it is \$48,000.00. Is that because of the decrease in the number of residents?

Mayor Peterson, there have been fewer blucan participants than were originally expected when we did the first budget for last year when we were looking at that. So there is a little bit less with regards to recycling, but I don't believe we accurately had it broken out. I think we had done it collectively last year, and that is why you are seeing that the budgeting for curbside recycling is an entire increase of \$5,700.00, and then there is an offset of \$7,200.00 less on the sanitation pick up, and a net of \$1,500.00 less.

Councilmember Rohr, so our sanitation aspect without the recycling in the current year's budget, while it didn't break it down, was it the same amount of \$48,800.00.

Mayor Peterson, we only had it as a combined number of \$54,500.00 as the number. We did not have it split out between the two. Now it has been split and there is some adjustment that has been made to get it accurate by the line item there.

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. Planning Commission appointment, Danielle Stirling

Mayor Peterson indicated he is putting forward Danielle Stirling's name for Planning Commission with a term expiring June 30, 2022.

Mayor Peterson asked for a motion to approve the appointment of Danielle Stirling to the five year term on the Planning Commission.

Councilmember Rohr, I so move. 2nd by Councilmember Sheltnan. 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

Councilmember Rohr asked if there are any plans for any alternates and that she had a phone call message from Rodney Hill indicated he was interested.

Mayor Peterson responded he has a couple of individuals that he has started discussions with and he will contact Rodney.

c. Resolution 2017-04, approving an amendment to an independent contractor agreement regarding planning services.

Gary Kuhlmann, you wanted a prevision that Bob had to review the work and approve it. So the provision is near the end of the paragraph for that, and it says he has to review it and approve it to surface any problems or issues that he sees.

Mayor Peterson, that is in item, assignment, I guess, title 21.

Gary Kuhlmann, in that paragraph, near the end.

Mayor Peterson, four or five line items up. If Council can just review that, because it came up in our last meeting. Ron, I think you were the one that suggested that. Are you satisfied with that language?

Councilmember Cundick, I am satisfied.

Mayor Peterson asked for a motion to approve Resolution 2017-04, an amendment to an independent contractor agreement regarding planning services.

Councilmember Cundick, I so move. 2nd by Mayor Peterson.

Councilmember Sheltman, is there anything on here as far as the amount of time we are contracting this individual for?

Gary Kuhlmann, it is whatever Bob.

Councilmember Sheltman, do we need to specify something is there, as far as, like what we have with other contracts, where we say either party can.

Gary Kuhlmann, you mean in Bob's, do we specify a time period?

Councilmember Sheltman, well, you know where we say, either party can end this contract with so many days' notice, do we need something like that on here?

Gary Kuhlmann, we have it in the original contract, this is just an amendment to Bob's contract.

Councilmember Sheltman, that was my other question.

Gary Kuhlmann, the original contract stays in place with this provision.

Councilmember Cundick, as I understand it, this is mainly to allow for an alternate when he is not available. It is someone who is under his supervision when he isn't able to be here.

Councilmember Rohr, I do have a little concern in that is this individual going to make himself familiar with our Land Use Ordinance, so that he can be of some value when he is substituting.

Councilmember Cundick, he is the back up to Bob.

Mayor Peterson, yes, and this is something, and Gary you can correct me here, we are not obligated if we are not pleased with what is being done. We can go back to Bob Nicholson and say "we are not going to do this anymore". And that would not be terminating the agreement with him; it would just be saying that we don't want an alternate sent here.

Gary Kuhlmann, right.

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

d. Resolution 2017-05, Utah State Wildfire Protection Program

Mayor Peterson indicated originally we were going to be using a Resolution, but since it is in the budget and being passed as a Resolution, one was not needed.

Gary Kuhlmann confirmed that we did not need a separate Resolution for it.

Mayor Peterson asked for a motion to agree to participate in the Utah State Wildfire Protection Program for the 2017-2018 year.

Councilmember Rohr, I so move. 2nd by Councilmember Cundick.

Councilmember Rohr, I would just comment that if we only had a wildfire every five years, than our costs would only be \$16,000.00 over that time period; where as if we don't do this, than we are liable.

Mayor Peterson responded that we have seen the cost of an individual wildfire and it can be many, many, multiples of that.

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

e. Discussion and possible action regarding Canyon Creek change order
Mayor Peterson indicated we have an invoice from Rocks N More for \$870.00 that he approved due to getting the rocks and transportation for free, and the work was going to be done for under \$1,000.00. This is a part of a change order; however, there will be another one for the grouting.

f. Discussion and possible action regarding Red Cliffs Road work
Mayor Peterson stated there were two bids that came in for the work on Red Cliffs Road. The first bid was from Western Rock for \$4,850.00, and the other was from Southern Utah Grade & Pave for \$5,000.00.
Town Council discussed it and decided to wave the three bid process and proceed with the two bids that they received.

Councilmember Rohr made a motion to approve the contract with Western Rock Products for the surfacing of Red Cliffs Road, conditional on the density test, and the depth.

Mayor Peterson, being four inches, I don't mean to add to your motion, but for the record we want to make sure of what it is.

Councilmember Rohr, ok, well I am thinking four inches of fluff, as opposed to, three inches of more solid.

Mayor Peterson, so you want to just go with what is appropriate, as determined by our consultant?

Councilmember Rohr, that sounds good.

Gary Kuhlmann, we should include in that motion, the waiver of the third bid.

Councilmember Rohr, and waiver of the third bid.

2nd by Councilmember Cundick.

Mayor Peterson, did you mention an amount Angela, I think it is time to reveal that.

Councilmember Rohr, at the price of \$4,850.00.

Mayor Peterson, are you okay with that Ron, on the second?

Councilmember Cundick, yes.
 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:

a. Silver Reef Road and other parking

Town Council discussed the parking on Silver Reef road.

Councilmember Sheltman expressed concerns about parking at the Silver Reef Museum during events and recommended putting the Silver Reef Museum on the next Town Council’s agenda to discuss, what it is, what it wishes to become, and what the people in the area want for it, because he believes this is something that was brought in, and grown, without much input from the local citizens.

Councilmember Sheltman read the following out of Town Ordances on parking and felt like they are in violation:

1. Parking areas need to be asphalt type substance, cement or other binding pavement.
2. Where there is no curb, vehicles parked on the street must be parked in a manner that allows for safety and welfare of the public.
3. Events that result in more than 10 cars parked on the street should obtain a permit and confirmed parking control.

In addition, Councilmember Sheltman indicated the property is a non-conforming building because it used to be a restaurant, now it is a museum, and museums are not allowed in a residential zone.

Town Council discussed it further. It was recognized that in the Land Use Ordinances, there is a chapter set aside for Historical District; although, it has never been completed; therefore, Town Council discussed whether this should be addressed by the Planning Commission, or the Town Council. It was decided to be listed on the next Town Council agenda as, Silver Reef Museum and other Historic Buildings and the impact on the community.

b. Main Street Curb and Gutter Update

Mayor Peterson, I have spoken with Curtis Nielsen from Ensign, he indicated he has spoken with Karl and Karl thought he had everything he needed from them. Elliott, I believe you said you feel different than that.

Councilmember Sheltman, I don’t know about you guys, but I would like to see a drawing of what we are going to do. I haven’t seen one yet and I talked to Kristi and I guess we haven’t gotten anything yet. I would like to see the actual drawing that we are working from as a Councilmember that shows where the driveways are going to be with the road, and all that stuff I am assuming we are going to get from an engineering firm, but I haven’t seen one yet.

Councilmember Rohr, so do we call that drawings, or blue prints, or what do we refer to it as? You don’t just want a hand written drawing.

Councilmember Sheltman, an official drawing, like what we use.

Councilmember Rohr, do we call those blue prints, or what.

Councilmember Sheltman, I don't know.

Councilmember Rohr, when somebody brings those documents in, what do we call them?

Kristi Barker, Engineered plans.

Town Council continued to discuss it and the Mayor will follow up with Ensign.

10. Citizen Comments:

JW McKain, give an update on his project on Emergency Preparedness that he discussed at the last Council meeting. He asked for some direction from Councilmembers and if they could help. Mayor Peterson indicated he will be available to meet with Mr. McKain to discuss it further next month.

Susan Savage, I just wanted to compliment the Council on bringing into the community a more civil and orderly way of communicating concerns. I feel like for the public, to have input, there is quite a wide range of spectrum for them to do that. There are phone calls, personal contact with Councilmembers, there are letters, and there are opportunities for somebody in the instance of the Silver Reef Museum for people to approach the board. To come to the board and talk to them about whatever concerns they may have, and I understand there is a parking concern, but I think that the least effective and the least, it is just so easy to, the ways a phone call, or a letter, or coming to the board, is a way for people to take personal responsibility for their comments, to be able to face people and say this is what I think. It is just so easy to send out an email or something like that, and round up a big crowd, and have people who come and yell, clap, or boo, or whatever they do, and nobody has to take any personal responsibility for their comments. So I just think there are so many ways to do things in a civil way in our Country, and it doesn't exclude anyone's comments from being made, it just gives us more responsibility if we do it in an orderly way.

11. Staff Reports:

Councilmember Sheltman, just one question, at the end of Town there is what use to be a car sales lot, it doesn't look like a car sales lot, it looks like basically an auto junk yard.

Mayor Peterson, that happens to be the primary focus on the work between our prosecutor and our attorney, regarding clarifying the responsibility, so that we don't have this happening in a court of law, where people are just pointing fingers at other parties and saying it is not their fault, and it is not their problem.

Councilmember Sheltman, so it is being looked into.

Mayor Peterson, it is being looked into, but it is taking time.

Councilmember Shletman, is that something that we can be made aware of? Is there any legal problem?

Gary Kuhlmann, part of what we are doing is revising the Nuisance Ordinance, so it is clearer for prosecution. It makes it easier to prosecute; there are some concerns that we have with the current ordinance, the way that it is, to whether we can get a conviction. We will be bringing it to you to look at, and once that ordinance is in place, we can proceed from there.

Councilmember Rohr, can we have a closed session where it is a legal matter?

Gary Kuhlmann, have a closed session, to discuss what?

Councilmember Rohr, to discuss what is happening, this is the first I have heard of it.

Gary Kuhlmann, you cannot close it to discuss the Ordinance.

Councilmember Rohr, to discuss the legal aspects.

Gary Kuhlmann, as far as the legal action itself, once we get to that point, then you could close it for the purpose of discussing pending litigation, but we would have to wait until we get to that point.

Councilmember Rohr gave an update from the Solid West Management Meeting. The recycling prices are climbing back up; therefore, it is looking better. By 2018, the estimated recycling cost to the Solid West District should be zero.

12. Closed Meeting: None.

13. Adjournment:

Councilmember adjourned the meeting.

Time: 8:36pm.

APPROVED ON THIS 24th DAY OF May, 2017



Mayor, Wayne Peterson

ATTEST:



Kristi Barker, Clerk/Recorder