

# Town of Leeds

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## Agenda Town of Leeds Town Council Wednesday, August 8, 2018

**PUBLIC NOTICE** is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, August 8, 2018 at 5:00pm. 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.

### **Work Meeting 5:00pm**

1. Call to Order/Roll Call
2. Discussion on Nuisance Ordinance

### **Regular Meeting 7:00pm.**

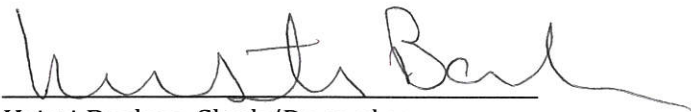
1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts
4. Consent Agenda:
  - a. Tonight's Agenda
  - b. Meeting minutes of June 13 and July 11, 2018.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
  - a. Washington County Fair, August 8-11
7. Public Hearings:
8. Action Items:
  - a. Dixie Metropolitan Planning Organization Grant Agreement
  - b. Discussion and possible action on Scott Messel contract for Town Planner
  - c. Discussion and possible action on 15 foot utility easement for Silver Point Estates
  - d. Discussion and possible action on whether or not to proceed with the sale of Town Property off Main Street and Majestic Mountain Road
9. Discussion Items:
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 August 2, 2018 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](http://www.leedstown.org).



Kristi Barker, Clerk/Recorder

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# Town of Leeds

## Town Council Meeting for August 8, 2018

1. Call to Order:

Mayor Peterson called to order the work meeting of the Leeds Town Council at 5:03pm on August 8, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____
COUNCILMEMBER: NATE BLAKE	_____	x

2. Discussion on Nuisance Ordinance

Town Council and Craig Hall discussed the Nuisance Ordinance.

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on August 8, 2018 at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
MAYOR: WAYNE PETERSON	x	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____
COUNCILMEMBER: DANIELLE STIRLING	x	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____
COUNCILMEMBER: NATE BLAKE	x	_____

2. Pledge of Allegiance by Councilmember Blake

3. Declaration of Abstentions or Conflicts:

Councilmember Sheltnan I wasn't here on June 13<sup>th</sup>.

Councilmember Stirling I wasn't here on July 11<sup>th</sup>.

4. Approval of Agenda:

Councilmember Stirling moved to approve tonight's agenda 2<sup>nd</sup> by Councilmember Blake. 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: ELLIOTT SHELTMAN	x	_____	_____	_____

COUNCILMEMBER: NATE BLAKE

x	_____	_____	_____
_____	_____	_____	_____

Councilmember Roberts moved to approve meeting minutes of June 13, 2018. 2<sup>nd</sup> by Councilmember Stirling. 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: ELLIOTT SHELTMAN	_____	_____	x	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

Councilmember Shelton moved to approve tonight’s agenda and meeting minutes of July 11, 2018. 2<sup>nd</sup> by Councilmember Blake. 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: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

5. Citizen Comments:

Georgia Tanner, stated she has some suggestions for the Nuisance Ordinance. When you talk about diesel trailers, put a height restriction on them and also keep in mind the ones in Town that are allowed in the back of properties. Cars in driveways need to be drivable and licensed.

Bart Tanner, indicated they are addressing an issue right now with a cargo trailer that is parked in front of their property and the 12000 LBS limit that is in place needs to change. With shipping containers, there should be limitations on where they should be put.

Lynn Potter, indicated he has had a lot of experience on what is being talked about. A lot of times they just limit that size of the shed. Another community had paint color requirement and another had it that a vehicle cannot be used unless it is licensed.

Dale Barnes, stated he lives on the other side of Tanners and the person that has the cargo trailer likes to cause problems. He gave some examples.

Georgia Tanner, recommended height restrictions, make a number of them allowed, and make them color them to match the home.

6. Announcements:

Mayor Peterson made the following announcement:

- a. Washington County Fair, August 8-11

Mayor Peterson, we did have a visitor from Leeds, United Kingdom. He gave us a plaque

Mayor Peterson, there will be a chili cook off on August 18<sup>th</sup> in the Park.

7. Public Hearings: None.

8. Action Items:

a. Dixie Metropolitan Planning Organization Grant Agreement

Mayor Peterson, indicated we have the Dixie Metropolitan Planning Grant agreement in front of us that is a \$15000 grant that can be used to match the CIB grant for updating the General plan and the Transportation plan.

Mayor Peterson asked for a motion to the execution of the memorandum of agreement for the Dixie Metropolitan Planning

Nate Blake, I so move. 2<sup>nd</sup> by Councilmember Sheltman.

Councilmember Roberts as long as the agreement says up to \$15000.

Mayor Peterson ok I will get it updated.

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: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

b. Discussion and possible action on Scott Messel contract for Town Planner

Mayor Peterson reviewed the agreement with Councilmembers.

Councilmember Roberts made a motion to approve the contract agreement for Scott Messel as contract planner. 2<sup>nd</sup> by Councilmember Sheltman. 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: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	x	_____	_____	_____

c. Discussion and possible action on 15 foot utility easement for Silver Pointe Estates

Rick Sant, stated he would like to have the Town submit an application to the BLM for a 15 foot easement and would like to see if that is feasible. You asked us to discuss it with LDWA, we met with them and discussed it. What I would like to do now is just go ahead with the application at this time and see if BLM will consider it.

Mayor Peterson asked Rick if there was anything he would like to share about the discussions

with LDWA.

Rick Sant, they mentioned that it would probably not be feasible to put a water line there because it would not be under a roadway; however, I would like to continue discussions with them about that. Right now, I would just like to see if it is feasible to move forward and have the Town submit the application for the easement.

Councilmember Stirling you said you want to see if it is feasible through BLM, but we already know it is not feasible through the water company that you are requesting a water line goes through.

Rick Sant, I would like to have more discussions concerning that, but if it is not feasible, that answers the question but if it is, I would like to have further discussions with LDWA.

Councilmember Blake, with the feasibility with LDWA wouldn't you want that first before applying for the application with BLM.

Rick Sant, if it is not feasible, we will just drop it. I can usually tell within a couple of weeks if it is feasible. We already have two other easements with the BLM for road way and utility easement. I would like to get the application in.

Councilmember Roberts is this the same easement that you petitioned for previously.

Rick Sant, replied yes and showed the easement to Council on a map. As you recall, it was 66 foot wide for a road way, we reduced it to just 15 foot for a water line.

Councilmember Sheltman, the secondary line is a requirement from the state correct? That was discovered from engineering by LDWA.

Rick Sant yes it is a requirement from LDWA that we have a water line continuing on to create a loop for two sources of water.

Councilmember Sheltman, to get proper flow to the fire hydrants. I guess I'm kind of in-between here because I represent both entities. I believe that when that water line is put into the ground, that will be the property of LDWA, it will be their responsibility. I think in a case like this, it is referred to standards of practices that they have set into place that should be followed. That is the water company's line that is their easement if we approve it.

Rick Sant, I would like the opportunity to continue to discuss it with them, but right now, I would like to move ahead with the easement because it takes such a long time to get it approved.

Councilmember Sheltman, how long ago did you know you needed that secondary line?

Rick Sant, I don't know, can you refresh my memory.

Councilmember Sheltman, 3 years, the easement that you are talking about does have BLM property in it, correct, you are still going to have to go through an approval process with BLM.

Rick Sant, yes, He continued to discuss it and showed a map with the easement.

Councilmember Sheltman, the easement has BLM land in it, is that correct, you are still going to have to go through the process with BLM.

Rick Sant replied yes and indicated it will be about a two year process, so they are trying to get this easement so they can get their subdivision started. He continued to discuss it.

Councilmember Blake why isn't LDWA putting in the application for the easement?

Mayor Peterson, I believe a utility easement applies to multiple utilities. It really does not go to one utility; it goes to the town where multiple utilities could be placed in there at some point.

Rick Sant in most cities, the utilities and roadways are dedicated to the Town and that is why I have the Town getting the easement.

Mayor Peterson, I believe the situation as it is presented is asking the Town if we would be willing to apply to the BLM for a utility easement. Even though there might not be an agreement right now between LDWA and the applicant with regards to the specific placement of a water line there. I do not see the disadvantage for the Town to ask the BLM whether such a

utility easement would be permissible and if they were to grant it, it would be at no cost to the Town. In general, I know the big focus is on the control of these Federal Lands all over the State of Utah and it seems to me that we are asking the question of the BLM, their answer could be yes, their answer could be no, but it does not obligate in anyway the installation. It would have to be something that was agreeable by the utility and the applicant. I am not sure it makes sense that first one has to get the approval of each utility before requesting this type of easement that makes sense of satisfying a need and in this case getting a loop needed to there would be proper pressure at fire hydrants throughout the system. That is my personal opinion and means nothing more that other peoples' opinions here.

Mayor Peterson asked for a motion to approve the application for a 15 foot easement with the BLM for the parcel as detailed in the June 19<sup>th</sup> 2018 memo that is in the packet before us. Councilmember Roberts, I so move. 2<sup>nd</sup> by Mayor Peterson. Motion failed in a Roll Call Vote.

**ROLL CALL VOTE:**

	Yea	Nay	Abstain	Absent
<b>MAYOR: WAYNE PETERSON</b>	x	_____	_____	_____
<b>COUNCILMEMBER: ALAN ROBERTS</b>	x	_____	_____	_____
<b>COUNCILMEMBER: DANIELLE STIRLING</b>	_____	x	_____	_____
<b>COUNCILMEMBER: ELLIOTT SHELTMAN</b>	_____	x	_____	_____
<b>COUNCILMEMBER: NATE BLAKE</b>	_____	x	_____	_____

Craig Hall, let me address the scope of the easement. Elliott, in the spirit of discussion and not criticism I think your statement of the LDWA owning the easement is not correct. LDWA would have the right to use the easement and have it installed in:

Councilmember Sheltman, I meant the water line

Craig Hall, very good, I took it as the entire thing. Utility easement as I understand it is not only for water lines but for other utilities, a cable company would have the right to use that easement also. It is not just for the purpose of water, it is granted for the use of other utilities. I just want to make sure we understand that.

Councilmember Roberts, is it in the Town's best interest for the Council to give a reason as to why we would decline?

Craig Hall, certainly it is a legislative prerogative to explain their vote, it has a positive and negative effect to do so. He then proceeded to discuss the topic in further detail.

Councilmember Stirling, for the record it had nothing to do with what LDWA, if they were, or were not, required.

Craig Hall, I am not saying you did, I just heard that was a potential rule.

Councilmember Stirling, mine has nothing to do with LDWA. Do you want me to express what mine is or does it matter?

Craig Hall, it is certainly your prerogative to do so, or not to do so.

- d. Discussion and possible action on whether or not to proceed with the sale of Town Property off Main Street and Majestic Mountain Road
  - Mayor Peterson, indicated this has nothing to do with the easement we granted at the other meeting though the property. The question for Town Council tonight is, would we be willing to sell the property?
  - Craig Hall and Town Council discussed it and decided not to sell the property because if something was built by the corner of the parcel, there would be a blind spot when turning onto

Main Street.

9. Discussion Items:

Mayor Peterson, the attorney will be working on a few more Ordinances. There will be opportunity for further input.

10. Citizen Comments:

Cynthia Wright, stated she has a couple of questions. The first one was if Town Council is aware of any RBO rentals in the Town of Leeds. 2<sup>nd</sup>, what do you need from the Town folks to handle it and 3<sup>rd</sup>, how long will it take to adjust the issue. How many on Council have an RBO?

Councilmember Stirling, I have a bed and breakfast.

Mayor Peterson, I have forwarded information to our Counsel, it does require the owner to live there and

Craig Hall indicated it would be best for Town Council to address is as a separate Ordinance.

Craig Hall, the legislation came out that you can restrict and regulate, but you cannot limit them from advertising them even if it is not legal to do Short Term Rentals. But you can address it if it is an issue.

Mayor Peterson, I did a search on the internet because when you ask for short term rentals it gave surrounding areas. We cannot stop them from advertising, but if you see activity there that seemed indicative of a short term rental, that you may take action on.

Cynthia Wright, that is confusing to me that you can advertise it, but it is illegal.

Councilmembers, Craig Hall and Cynthia discussed it further.

Bart Tanner, thanked Council for taking the time to look at the ordinance and that with storage unit locations somebody's back yard could be someone's front yard.

Darryl Lewis, expressed concern that he continue to hear St. George does this, Ivins, Toquerville does this. He thinks everyone in this room had an opportunity to live there if they wanted. All the surrounding Towns have their own personality and we are limited in our resources. Please, when people are talking about things think about what Leeds should be doing.

Mayor Peterson, I think where the value of looking at other communities is looking at other documents.

Darryl Lewis, other communities do this and so should we

11. Staff Reports:

Chief Furley indicated they are at 1950 calls for service this year as of today. They are remodeling the station in Hurricane and are moving closer to signing the agreement with Washington City for the station in Coral Canyon.

Mayor Peterson, indicated he had a meeting with the Council of Government where they reviewed rights-of-ways.


Mayor Peterson, the new Treasurer has decided the job is beyond his capability. What I plan on doing is hiring Savage and Esplin who was recommended to us by our Auditor.

12. Closed Meeting:

13. Adjournment:

The Mayor adjourned the meeting at 8:14pm.

APPROVED ON THIS 12 DAY OF September, 2018

  
\_\_\_\_\_

Mayor, Wayne Peterson

ATTEST:

  
\_\_\_\_\_

Kristi Barker, Clerk/Recorder