

Town of Leeds

Town Council Meeting for Wednesday, November 14, 2018

WORK MEETING

1. Call to Order:

Mayor Peterson called to order the work meeting of the Leeds Town Council at 6:11 PM on November 14, 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

Also, in attendance was John Poast, Planning Commission Chairman, Danny Swenson, Planning Commissioner, Scott Messel, Town Planner, Craig Hall, Town Attorney, Hyrum Bosserman, Attorney and Peggy Rosebush, Town Clerk/Recorder.

2. Open and Public Meetings Act Training

Craig Hall, Town Attorney, said The Open and Public Meetings Act, or Sunshine Act, was adopted by the State about 25 years ago. Mr. Hall discussed the obligations of Town Council and Town Planning Commission and how to plan ahead. He also pointed out the requirements regarding posting an agenda, when Council Members and Planning Commissioners can and cannot discuss Town business and the preparation of meeting minutes.

Mayor Peterson asked for a motion to recess the Town Council Meeting until 7:00 PM or the end of the Planning Commission Meeting, whichever comes first.

Councilmember Roberts moved to recess the meeting. 2nd by Councilmember Sheltnan.

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

REGULAR MEETING

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:27 PM on November 14, 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 Mayor Peterson.

3. Declaration of Abstentions or Conflicts: None

4. Approval of Agenda:

Councilmember Roberts moved to approve tonight’s agenda and meeting minutes of October 24, 2018. 2nd by Councilmember Stirling. 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

5. Citizen Comments: None

6. Announcements:

- a. Dumpster Days, November 30 – December 2, 2018

Mayor Peterson said the dumpsters will be located along Cherry Lane.

7. Public Hearings: None

8. Action Items:

- a. Ordinance 2018-01- 2019 Meeting Schedule

Mayor Peterson said that the Planning Commission agreed with what was suggested for them. And now an ordinance must be passed. This ordinance reflects the 2019 meeting schedule that was discussed and agreed to at the last meeting. There will be 1 Town Council meeting a month (second Wednesday) for 4 months (July, August, November & December) and 2 Town Council Meetings a month (second and fourth Wednesdays) for 8 months (January, February, March, April, May, June, September and October) and 1 Planning Commission meeting a month (first Wednesday).

Councilmember Sheltman moved to approve Ordinance 2018-01 – 2019 Meeting Schedule. 2nd 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

b. Proposed zone changes for L-PEMR-1 (R-1-20 to R-M-7) and L-4-A-1 (R-1-20 to Commercial)

Alberta Pace, the applicant, stated that this is a reversal of the zone change on these 2 parcels that was approved a few years ago. She reported that her plans have changed and she now wants to go back to the original zoning for these 2 lots. Her original plan to develop a subdivision would have required a body politic. She was unable to obtain a body politic and she did not want to do it personally because that would require having an HOA. Therefore, she gave up on developing a subdivision and now wants to get these 2 parcels zoned the way they were originally, with the one residential parcel being changed to R-M-7. Her current plan is to build a triplex on L-PEMR-1. She has friends and family who have been unable to find rental housing in Leeds. The triplex that she wants to build would be rented to friends and family.

Alberta Pace stated that she will own the triplex. She said that each unit will have 2 bedrooms and that the triplex would be equivalent to a 6-bedroom house. She stated that the lot has been in existence for at least 15 years.

Scott Messel said the Planning Commission took comments and discussed this zone change. They recommended approval to the Town Council for the proposed zone changes. It was consistent with the General Plan and it allowed Alberta Pace to go back to the original zoning. There was proper notification of a Public Hearing and it was held at the Planning Commission meeting.

Councilmember Stirling said if your intent is to put in a triplex, have you spoken with LDWA to see if you can have 3 taps on one parcel ID.

Alberta Pace said she did not understand the question.

Councilmember Stirling asked if she had spoken with the water company to make sure what you want to do on this parcel you can actually do.

Alberta Pace stated that she spoke with Ron Thompson and he told her that previously you could have 1 septic permit for every 9 acres. However, about a year ago, it was changed to 2.5 acres. The parcel that she wants to build the triplex on is 2.56 acres. According to Mike Chandler at Ash Creek, she would need an alternate septic system with high efficiency. She estimates that the cost of the new alternate septic system would be about \$20,000.00.

Mayor Peterson asked Scott Messel if this is normally part of the permitting process.

Scott Messel said this is normally not part of the zoning process, but all of these issues will have to be resolved before a building permit can be issued.

Councilmember Stirling said that her only concern is that Alberta Pace has done this twice now.

Alberta Pace said that she has given up on the subdivision and now wants to go back to the original zoning.

Councilmember Roberts said that there are 3 separate properties involved here, but he sees only 2 applications. He asked Scott Messel if there are only 2 applications. He asked where is he missing a 3 acre parcel.

Scott Messell said yes. He said that Alberta Pace had drawn out in her plans 3 parcels, but by County records there are only 2. Scott Messell pointed out the parcels on the zoning map.

Councilmember Sheltman said they are talking about parcels L-PEMR-1 and L-4-A-1. He said that last year L-4-A-1 was brought before Town Council as Commercial and was denied for R-M-7. What was represented then is Commercial now.

Alberta Pace said L-4-A-1 was originally all commercial.

Councilmember Sheltman said what he is seeing is that Alberta Pace is now wanting to go from R-1-20 to Commercial.

Mayor Peterson said that we are going back to that parcel that was greater than 2.084 acres. The parcel was broken into 2 different zones. One portion was R-1-20 and it got approved. It was the R-M-7 that did not get approved at that meeting.

Councilmember Sheltman asked if it would stay the same and be Commercial now.

Alberta Pace said she was left with a piece of commercial in the middle of residential.

Councilmember Sheltman said the way he sees it is Alberta Pace wants L-4-A-1 to go from R-1-20 to Commercial, but because the R-M-7 was denied, the parcel is still commercial. He said this is confusing to him because Alberta Pace is requesting this parcel to become commercial, but since the R-M-7 application was denied previously, this parcel is still commercial. He said L-PEMR-1 went from Commercial to R-M-1

Scott Messell said some of the confusion on this may be the way it is shown on the zoning map. He pointed out the parcels on the map. He said Alberta Pace originally had plans to do a subdivision, but it never happened so zone changes were never recorded at the County. The County still shows L-4-A-1 as Commercial.

Councilmember Sheltman said it appears that Alberta Pace is requesting a change from R-1-20 to Commercial. This is now 2.8 acres and the one looked at originally was 1.3 acres, but it has the same property designation.

Mayor Peterson said it is the same parcel number, but there were subsections of the parcel that got zoned differently.

Scott Messel said that the subdivision portion of the parcel never got recorded.

Councilmember Roberts said the total acreage on L-4-A-1 is more than 2.084 acres. He said that the application shows 2 acres to go back to commercial. He asked if this is to correct a portion of that parcel that was adopted as R-1-20.

Mayor Peterson said that this is his recollection.

Councilmember Roberts said this gives you the perception of 2 separate parcels even though the parcel number is the same. The acreage shown on the application needs to be the acreage of the entire parcel. The application needs to say applicant wants the entire parcel to go back to commercial. This is where the confusion comes from because we are just looking at a portion of the parcel. He said he is not sure why they looked at a portion of it to begin with and allowed that to change from commercial to residential and left a portion of it commercial.

Councilmember Stirling said it was done that way because Alberta Pace was going to subdivide a portion of it.

Councilmember Roberts said the division of that portion should have taken place beforehand. He said you cannot approve a portion of a parcel for 1 zone and a different zone for the other portion of the parcel.

Mayor Peterson said there are a variety of commercial parcels along Main Street or Old Highway 91 that are zoned commercial up close to the road and residential for the back portion of the parcel.

Councilmember Roberts said we should make it very clear on this application that the total acreage needs to be shown on the application for a parcel that is going to have 2 zones.

Councilmember Roberts said that the 2 applications need to be looked at separately.

Mayor Peterson asked if there is a desire to come together on the items that need to be clarified or should this be moved to the next meeting.

Councilmember Roberts said this can be resolved. He said he does not have a problem with L-4-A-1 reverting back to commercial. This would put the entire parcel back into commercial.

Alberta Pace said the parcel has been commercial for 30 years.

Mayor Peterson asked Councilmember Roberts if he would want to make a motion approving the application with the end result being the entire parcel, L-4-A-1, with the applicant's approval, would be commercial.

Councilmember Roberts said that as long as the applicant realizes that even though the application says 2.084 acres, it will be the total acreage of the entire parcel.

Alberta Pace said her application says 3.38 acres

Mayor Peterson said the application says 2.084 acres.

Alberta Pace said that someone messed up.

Councilmember Roberts said this is what has him confused.

Alberta Pace said 1.3 acres in the middle is already commercial.

Mayor Peterson said just to make it clear, the end result would be approving the entire parcel to be commercial.

Councilmember Roberts said this is his desire.

Mayor Peterson asked if there were any other questions or comments.

Mayor Peterson started discussion on the second request for L-PEMR-1.

Councilmember Roberts said he does not have any questions.

Councilmember Sheltman said L-PEMR-1 is residential now and the request is to change it to R-M-7. He asked Alberta Pace if she wants to put a triplex on the property.

Alberta Pace said yes, on the 2.5 acre piece.

Councilmember Sheltman said you can do that with a conditional use. He asked if you can do this on residential property.

Mayor Peterson said on R-M-7 you need to do a conditional use if you want 3 or more units on the parcel. You can do a duplex or single residence without a conditional use. You need a conditional use on R-M-7 to do a triplex or up to a five-plex.

Councilmember Sheltman asked if you can also do this on R-1-20.

Mayor Peterson said he did not believe so.

Scott Messel said no you cannot.

Alberta Pace said she was told she needs R-M-7 for approval.

Mayor Peterson said Councilmember Sheltman's question is can this be done on R-1-20. He said he did not believe it could be done.

Councilmember Sheltman asked if, with this property, there would be a septic tank available. He asked if this property is grandfathered in so you can have a septic on it.

Mayor Peterson said as of July 1, 2000, it is considered to be eligible for 1 septic. He said it is his understanding from the Washington County Water Conservancy, a triplex would be permitted with the grandfathering.

Alberta Pace said the triplex would be 3 – 2 bedroom units, equivalent to a 6 bedroom house. She said the septic would be a special one approved by Mike Chandler.

Councilmember Stirling said she could not find anything that says on R-1-20 you can have multiple.

Councilmember Roberts said no, single dwelling.

Councilmember Sheltman said the reason for the denial on R-M-7 was quite complex. The R-M-7 designation does mean you can put multiple properties on there at some point. If approved, you could put 5 houses per acre or a couple of five-plexes or 3 or 4 duplexes.

Councilmember Roberts said it would go through a conditional use process if it is 3 or over.

Councilmember Sheltman said the issue brought up before was if you start bringing in any sewer from an outside sewage plant, the concern at the time, at least my concern at the time and the Council's because we voted 5 to 0 against it, we don't have anything in place for that. Even as a zoning issue, we do not have any rules for setback distances. The system is very complex with multiple tanks that might require a structure for it. We do not have anything to look at that would give any help. There are also things like smell, corrosive fluids and methane. The question would be where would you put it and how far away would it have to be.

Alberta Pace said the system proposed by Mike Chandler is completely different from a septic tank. It does not pollute the ground.

Councilmember Sheltman said the point is there is nothing in place that they can look at or look at in the future. He said we do not have anything in place, if she starts adding on with separate systems, for this sewage plant or whatever it is. This is why the approval did not occur last time because we had concerns about this. What do we look at right now?

Scott Messel said his first thought would be what the Health Department and Washington County Water Conservancy and Ash Creek would approve.

Councilmember Sheltman said that is the nuts and bolts, but right now what do I look at. You have plenty of space to do what you want to do. Once you get the R-M-7, you can put quite a bit there.

Scott Messel said if you get the R-M-7, and if it has the square footage, it would allow everything in that zone. You could have more than just a duplex there if the septic or sewer could be resolved.

Alberta Pace said she guarantees it would be nothing more than a triplex.

Councilmember Sheltman said he understands this, but once it is approved you will have more ability than that because of the size of the property.

Scott Messel said you could make it subject to conditions.

Councilmember Stirling said 3rd, 4th and 5th requires a conditional use permit. The conditions are already there for when it goes to the Planning Commission.

Mayor Peterson said or when it goes to permitting.

Councilmember Roberts said you cannot make a condition on the zone change. You either approve to the zone change or you don't. You cannot throw a condition on it because the zone is already established and ordinances say what you can and cannot do with it. And the process to go through.

Councilmember Sheltman said if we approve this with the understanding that you might have a sewer plant to come in later, we do not have anything in place to look at that would give him any help here.

Councilmember Roberts said he understands some of Councilmember Sheltman's concerns. He said even though Alberta Pace says she will put a triplex on the property, it doesn't matter who owns it because the ownership could change at the drop of a hat, so we have to look at it like a responsible zoning decision. He said he is not opposed to going to R-M-7, but he hopes that in the future if an application comes before the Town, whoever is dealing with that application will be responsible enough to make sure they follow the ordinances that are governed by that. If you go through the conditional use, Councilmember Sheltman can address every concern he has. What we need to decide is if this is a wise zone change to make or not. It is not consistent with anything immediately adjacent to it. We have some commercial and some residential sitting next to it, but not multi-family residential.

Mayor Peterson asked if there were any other thoughts from the Councilmembers. He said the comment about treating the 2 applications individually is accurate. They are 2 separate applications. He asked if they want to address L-4-A-1 first on an action basis.

Councilmember Roberts said yes.

Councilmember Roberts moved to approve proposed zone change on parcel L-4-A-1 going from R-1-20 to a Commercial zone consisting of all acreage on Parcel Tax ID L-4-A-1. 2nd by Councilmember Stirling.

ROLL CALL VOTE:

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

Mayor Peterson said let's move onto the application regarding L-PEMR-1-R.

Albert Pace said according to Mike Chandler and the Water Conservatory people, triplex would be restricted to about 3,600 Sq. Ft.

Councilmember Roberts asked if they were basing this off of a simple septic system that would be allowed for a single residence.

Alberta Pace said this is a special system.

Councilmember Roberts said you would be allowed to put in a standard system that is already grandfathered in. That would be the applicant's decision. He said we should not base a lot of things on conjecture on what could or couldn't. He asked if this conforms to the request.

Councilmember Sheltman said being R-M-7 we know it can be a lot of things. It can be a lot of homes, a lot of triplexes or a couple of five-plexes. At some point, you may have to do something about a secondary septic system. He said we do not know where this would go. He said he would not vote for this with the expectation that Alberta Pace is going to get any more built on the property. He said he has a lot of questions about what can be put on it.

Councilmember Roberts said you cannot do a condition on this zone.

Councilmember Sheltman said he understands. He is trying to put on record that something may come up in a year; it won't be like what we were told or what was promised.

Mayor Peterson said the minutes will reflect that statement.

Councilmember Roberts said we could also have discussion regarding the geographical layout of where it is at. It runs into some hillside ordinance issues that will be somewhat restrictive on areas of the property. But that's not for the Council to determine. That is for the applicant who is making a request at this time.

Mayor Peterson asked if anyone would like to make a motion regarding L-PEMR-1 zone change application from R-1-20 to R-M-7.

Councilmember Roberts moved to approve the zone change application for parcel Tax ID No. R-PEMR-1 to go from a zoning of R-1-20 to a zoning of R-M-7 consisting of the recorded total acreage of parcel L-PEMR-1. 2nd by Councilmember Stirling. Motion did not pass 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

Mayor Peterson said that 3 votes are need for a motion to pass. This zone change does not occur and as a result it remains at the existing R-1-20.

c. Discussion and possible action on Ordinance 2018-02 - Amendments to Land Use Ordinance 2008- 04, Chapter 24, Home Occupations

Mayor Peterson said this was a subject of the Planning Commission Meeting earlier this evening where they recommended the addition of 2 sentences – one at the end of Chapter 24.2.5.1 which is related to permitted uses and says that other uses recommended by the Planning Commission to the Town Council to be a use that is in harmony with the intent and purpose of this Chapter. And then an addition to Chapter 24.2.6.2 where Item 9 became Pet Grooming and we would be including the update that the Ordinance would reflect that just as well and the sentence that says other uses similar to the above uses and recommended by the Planning Commission to the Town Council to be a use that is in harmony with the intent and purpose of this Chapter, and therefore should be considered as a conditional use home occupation.

Mayor Peterson asked if there are any questions or comments from Town Council regarding this Ordinance.

Councilmember Stirling moved to approve Ordinance 2018-02 – Amendments to Land Use Ordinance 2008-04, Chapter 24, Home Occupations. 2nd by Councilmember Roberts. 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

d. Discussion and possible action on Conditional Use for Home Occupation, Hidden Valley Forge

Mayor Peterson said that this, too, was an item at the earlier Planning Commission Meeting. This was something we discussed at the previous Town Council Meeting permitting these 2 actions to be combined and, obviously, needed to be approved. The Ordinance needs to be amended first before we can approve the application. It has been brought forward to us with a recommendation for approval subject to the condition of hours of operation from 9 AM to 5 PM, Monday thru Friday.

Mayor Peterson asked if there were any questions or comments from Town Council regarding this application for a conditional use permit.

Councilmember Stirling moved to approve Conditional Use for Home Occupation, Hidden Valley Forge. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x	_____	_____	_____
COUNCILMEMBER: ALAN ROBERTS	x	_____	_____	_____
COUNCILMEMBER: DANIELE STIRLING	x	_____	_____	_____
COUNCILMEMBER: ELLIOTT SHELTMAN	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

e. Discussion and possible Action on Change Orders for Main Street Curb & Gutter Project

Mayor Peterson said this says orders, plural, because there is a second area that we had asked the contractor to look at. We do not have an estimate for the road off of Main St. that is owned by the Town. This road goes between 2 parcels where the apron area has collapsed and it makes it a little difficult for vehicles to navigate this. We do not have a change order at this time. I am suspecting that this will be a separate project at a later time although we haven't closed out the curb and gutter project so we will see what happens between now and December. There is one stretch of the roadway where we had the sidewalk installed, we had to move the actual right-of-way back and a wall was created along the stretch of land that would require a retaining wall to be built. It requires 335 blocks and 71 caps and the estimate for this, or the actual projected cost, is \$4,253.00. This is along the stretch that has just been added and is on the southern end after the first driveway cutout that is by a garage and after that you end up with a wall that is about 3 feet high of just dirt right now facing out to the sidewalk. When we started this project the total estimate was \$198,000.00 which it has come in at. This would be a change order adding \$4,253.00 to it. This is something beyond the curb. UDOT will not help out with this. It is beyond the sidewalk as well. We initially had budgeted more money from our Capital Use Fund for this project and this is where I propose, should we decide to go forward with this, we get the money to actually have this retaining wall put in. I think there are benefits when you have this kind of change right on top of a project to let the individual who has done the project go ahead and complete the work so there is no finger pointing to who did damage or if there is a problem with the sidewalk or the wall once it is completed. This is a change order request to do this.

Mayor Peterson asked if there are any questions or comments from Town Council regarding this change order.

Councilmember Stirling asked if this is on someone's property or Town property.

Mayor Peterson said it is right on the edge by the right-of-way so it would be on the right-of-way right on the edge of the sidewalk to hold back the area. They dug out to the actual property lines so it would be installed in front of the property line right next to the sidewalk.

Councilmember Roberts said he has one question. He said when he looks at the materials and sizing of this it leads him to understand that these are just a 6 inch CMU unit. It does not talk about anything as far as specifics on the blocks, whether they are solid or hollow cell. If they are hollow cell, are they placing anything in them to make them more stable. Are they grouting these units? He said he has questions about exactly what material are they planning on using. He wants to make sure we do this only once and that it is stable.

Mayor Peterson asked Councilmember Roberts if he would be willing to make a motion subject to specifications that would be appropriate.

Councilmember Roberts said he is in favor of putting something there for the safety of holding things back off of the sidewalk. He said if we don't, this could become a problem.

Mayor Peterson asked Councilmember Roberts if he can specify the type of blocks that he would like to be used such as solid or hollow blocks. He said he believes this could be a part of the motion and if there is a problem with the pricing, we will have to come back to this at a subsequent meeting. But if they will do it in a way you feel is appropriate, I think you could make the motion subject to this and we could go ahead and contact the contractor through the engineer and make sure it is either that or we will have to come back and discuss it further for what it would be in terms of additional cost.

Mayor Peterson said it sounds like Councilmember Roberts may be the most qualified to put the conditions on so we have the right terminology on it.

Mayor Peterson asked Councilmember Roberts if he would be willing to be contacted to understand what materials they are proposing and discuss it with them.

Councilmember Roberts said yes.

Councilmember Roberts made a motion to approve expenditures for a total of \$4,253.00 for a retaining wall concurrent with the Main St. curb and gutter project subject to approval of the materials. 2nd by Councilmember Shelton. 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 SHELTON	x	_____	_____	_____
COUNCILMEMBER: NATE BLAKE	_____	_____	_____	x

f. Discussion and possible action on easement application to SITLA for 15 foot utility easement for Silver Pointe Estates

Mayor Peterson said the application was presented and that he had a request just before the meeting from Councilmember Blake. Councilmember Blake said he wanted to be brought into the meeting via teleconference for this item. Mayor Peterson called Councilmember Blake.

Councilmember Blake joined the meeting via telephone.

Rick Sant, the applicant, said he is one of the owners at Silver Point Estates. He said they are trying to get a loop waterline to connect our subdivision and probably the rest of Silver Reef so that we have a loop waterline so that there are 2 access points for water for all of the land owners there. He showed a map to the Town Council and pointed out that the blue line indicates the loop waterline that they are trying to create. Most can be done through the subdivision; they need to go through the Crosby property and through State Trust Land property in order to hook-up to complete the loop. He said they have been working with both land owners. Crosby has agreed to sell the property needed and they are in negotiations with him right now. Regarding the State Trust Land, in order to get a road easement through their land, you need to do an archeological study that will take anywhere from 1 to 2 years. The man who is in charge of State Trust Land in this area suggested getting a water easement and then an archeological study would not be required. He said they could issue the water easement right now. To save time, they have elected to apply for a water easement and then follow it up when they need the road easement. He is asking Town Council to submit an application for a water easement.

Mayor Peterson said that he noticed that on one map it shows a 25 foot easement. He asked if this is different than what was previously mentioned.

Rick Sant said he previously said 15 feet, but they are actually requiring 25 feet.

Mayor Peterson asked if there are any questions or concerns from Council that is are present. He then asked Councilmember Blake, via telephone, if he has any questions. Councilmember Blake said he is up to speed on this matter.

Mayor Peterson asked if there is a motion regarding the easement application for a 25 foot utility easement for Silver Point Estates.

Councilmember Blake made a motion to approve the easement application. 2nd by Councilmember Roberts. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

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

Mayor Peterson said the record should show that Councilmember Blake joined the meeting via telephone from 8:21 PM to 8:26 PM.

9. Discussion Items:

a. Short-Term Rental Ordinance

Mayor Peterson said earlier this week he received a letter on Monday requesting a conditional use application by the property owner, but it is not a complete application. He will follow-up with them to let them know this is the case. Town Council had requested the Mayor to investigate through our counsel the ability to enforce the particular ordinance we might come up with as well as other ordinances here in town. There was a meeting this afternoon that involved the prosecutor, town attorney and his associate, and me. They identified the questions that need to be investigated, but it did sound like it was certainly going to be doable and would require entering into an arrangement with the court for handling any non-criminal type of prosecution that would come out of it and it was agreed they are going to investigate what Washington County would be willing to do with respect to this, but would be a separate thing from them handling anything criminal. And then they would also need to make arrangements with a person who is post certified law enforcement, a retiree would not fit that categorization, as it was explained. But we could utilize, if they were willing to, one of the local police departments or we could use an off duty officer for that portion of it. It sounds like it would be doable and I believe we will have a lot more details with regard to the cost in time for our December meeting.

Councilmember Sheltman asked how do we split the cost for this. He asked what can be done legally.

Mayor Peterson said you are able to charge people if they were to apply for a particular use like this. He asked Scott Messel, City Planner, if he would like to weigh in. He said the attorney said those kind of fees are available to us for a specific use. We would need to justify that these costs were true costs and not just an arbitrary tax on being in that particular business. He said this would be the most effective way to do it. There probably will be an economy of scale and I would suggest not to assume scale and to make it that we would be able to recover the cost if we were to enter into that type of an agreement with individuals in town. That would probably be the most likely route to be able to recover the cost.

Councilmember Sheltman said the problem is we will not make any income off of it, not like you would in a major tourist area. If you are going to go in this direction, he said he thinks we need someone who is available all of the time. This is what other places do. They have the money for it and I'm not sure we do. He said it will have to be someone or a group of people who could be ready to come when we call. If you have 8 or 10 units, I do not know how we are going to cover the cost unless you charge them what it cost. If you're talking 8 or 10 units that could be a lot of money.

Mayor Peterson said he agrees with that. He said that even if we were not going to permit it, we still need to know how to go about enforcing the idea. He said if it starts to happen, how will we go about it. We need to get the precise figures and know what the cost will be. It sounds as if much of it will be variable, which is usually very helpful because you do not have to decide how many are going to be there.

Mayor Peterson said this will be on the agenda for the December 14th Town Council Meeting as a discussion item. At that point, we should be able to have a more substantial discussion.

10. Citizen Comments:

Alan Cohn said he wanted to follow-up on the house on Silver Reef Drive. He said as recent as November 3rd, there were several families at the house. He would like to see what has been done on this. Have they been told to shut down operations or what is going on at this point.

Mayor Peterson said they were told to stop rental activity and their response has been to apply for a conditional use permit. Their application is not complete. He needs to follow-up with them to make them aware of that. The notice that was sent to them was not to pursue rental activities until they are in compliance with all ordinances.

Alan Cohn asked if this includes existing reservations.

Mayor Peterson said it did not have anything offering them latitude with respect to existing reservations. He said we will continue to follow-up and monitor the situation that is happening there and we will look for a resolution as quickly as possible.

Susan Savage said she would like to compliment the Council on the sidewalk project.

Mayor Peterson said thank you.

Battalion Chief Kohl Furley with the Hurricane Valley Fire District gave an update on what is going on with the fire district. He gave a report on number of calls, helping with the fires in California, burn season ends December 15th and burn season will be closed until the Spring,

Mayor Peterson asked if you are required to register for a fire permit even if you are burning during the burn season.

Battalion Chief Kohl Furley said that is correct. You can call the Hurricane Valley Fire District or go online to apply for a burn permit.

11. Staff Reports: None

12. Closed Meeting: None

13. Adjournment:

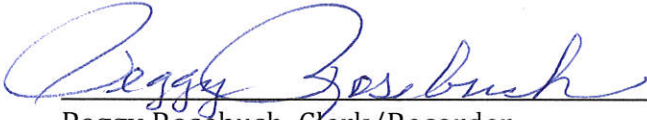
Mayor Peterson adjourned the meeting at 8:38 PM.

APPROVED ON THIS 12th DAY OF December, 2018



Mayor, Wayne Peterson

ATTEST:



Peggy Rosebush, Clerk/Recorder